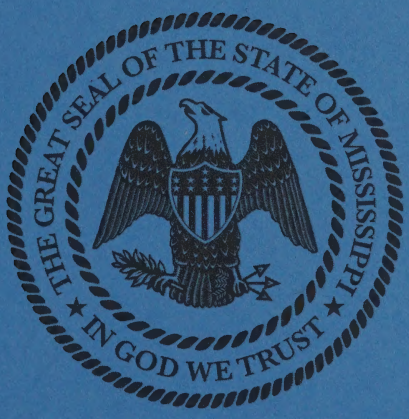
Pamphlet 1

MISSISSIPPI

ADVANCE SHEETS

2022 Legislative Session
General Laws



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MISSISSIPPI GENERAL LAWS ADVANCE SHEETS

2022

Regular Session

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PREFACE

Contents; publication schedule.

The 2022 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2022 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2022 Regular Session. This pamphlet, the first in the series, contains the first 59 general bills that have become law. The second and third pamphlets will contain the remainder of the acts from the 2022 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 1 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2022 Legislative Session.

Any such changes will be reflected in the 2022 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 9443 Springboro Pike, Miamisburg, OH 45342.

May 2022 LexisNexis

Summary of Acts

HB/SB		Page
HB0020	Anatomical gifts; prohibit discrimination against recipient based on disability.	1
HB0158	Off-road vehicles; revise definitions of.	
HB0175	Bonds; revise purposes for which bonds authorized for City of Hazlehurst may be used.	
HB0192	License plate; revise disability requirement for disabled veterans tag.	
HB0232	Uniform Controlled Substances Act; revise schedules.	
HB0252	PERS; increase maximum percentage of investments of system that are in certain types of investments.	
HB0365	MS Rural Hospital Loan Program; establish in State Department of Health.	
HB0384	Mississippi Congressional district; reapportion.	
HB0424	Audiology and speech-language pathology interstate compact; create.	
HB0475	IHL Board; extend repealer on authority to oversee certain construction projects funded by state general obligation bonds.	
HB0483	Local Governments Capital Improvements Revolving Loan Fund; extend repealer on MDA authority to use certain funds for expenses.	
HB0503	Memorial intersection; designate Exit 90 on Interstate 22 in Lee County as the "Sheriff Harold Ray Presley Memorial Intersection."	
HB0504	Memorial highway; designate segment of I-22 in Lee County as the "Korean War Veterans Highway."	
HB0534	Corrections; extend repealer on intensive supervision program and electronic home detention.	
HB0567	Radar; revise population threshold for municipal law enforcement to use on public streets of municipality.	
HB0687	Mississippi Debt Management Services Act; extend repealer on.	
HB0689	Community Service Revolving Fund; extend repealer on authority to collect fees from paroled offenders for deposit into.	
HB0720	Mississippi Department of Employment Security; provide requirements related to fraud prevention, detection and recovery.	
HB0779	Law Enforcement Death Benefits Trust Fund; include cause of death covered under First Responders Act of 2020.	
HB0823	Mississippi Electronic Protection Licensing Act; revise regarding battery-charged security fences.	
HB0843	County or municipal Medicare eligible employees; make clarification regarding ability to receive certain supplemental compensation.	
HB0920	Inmate Welfare Fund; authorize portion of fund to be used to fund Inmate Incentive to Work Program.	
HB0927	Newborn screening program; include those conditions listed on the Recommended Uniform Screening Panel within three years after listing.	

HB/SB Page

HB0990 Memorial highway and bridge; designate in Warren County for Margaret Gilmer.

HB1002 Memorial Highway; designate segment in Copiah County as the "Carroll V. Hood Memorial Highway".

HB1017 Justice court clerk; authorize two or more counties to enter into an agreement for the appointment of a.

HB1056 Professional Counseling Compact; create.

HB1067 Child support; provide for imputation guidelines.

HB1073 Bridges and culverts; revise laws regarding.

HB1093 PEER Committee; require to review effectiveness of the Mississippi Development Authority Tourism Advertising Fund.

HB1097 Counties and municipalities; authorize to lease facilities that are to be utilized as fire stations.

HB1098 Fire protection districts; prohibit charging of fees when board of supervisors has levied special tax for.

HB1113 Memorial intersection; designate intersection in Clarke County as the "PFC Damian Laquasha Heidelberg Memorial Intersection."

HB1130 Department of Marine Resources; revise license issued for seafood dealers and seafood processors.

HB1131 Secretary of State; authorize to enter into agreements with online providers to conduct online auctions of state-forfeited tax land.

HB1135 Advanced plastic recycling; define terms relating to.

HB1323 Tallahatchie River Authority; create.

HB1331 Election commissioners; require skills assessment for every four years instead of every year.

HB1341 Municipal candidates; clarify residency requirements of certain.

HB1360 Banks and savings associations; align merger approval with the Mississippi Business Corporation Act.

HB1485 Harvest permits; extend repealer on provisions establishing maximum weight and approved routes of vehicles.

HB1486 CDLs; require Commissioner of DPS to provide for waivers of certain tests.

SB2004 Public lands; extend repealer on section prescribing who may purchase.

SB2018 MS Department of Banking and Consumer Finance conduct periodic joint-bank examinations; extend repealer.

SB2039 Real estate appraisal management companies; extend repealer on registration provisions.

SB2095 Mississippi Medical Cannabis Act; create.

SB2097 MS Real Estate Commission; require to establish program using administrative hearing officers.

SB2113 Critical Race Theory; prohibit.

SB2431 Procedure for the purchase of textbooks by the State Board of Education; revise provisions of.

SB2481 Memorial highways; designate segment of MS-488 in Leake County as Hunky Cross Highway in memory of Austin Morrow & others.

SB2520 Memorial highways; designate segment of Mississippi Highway 45 for Senator John White.

SB2719 Annual salaries of county boards of supervisors; revise.

SB2806 Public purchases; prohibit reverse auctions for repair and remodeling of public facilities. Bonds; revise uses of IHL bond proceeds for Mississippi State University College of Architecture, Art and Design.

SB2832 Public records; extend repealer on provision requiring public access to records.

BANKS AND FINANCIAL INSTITUTIONS
Merger or share exchange, approval process. **HB 1360**
BATTERY-CHARGED SECURITY FENCES
Electronic protection licensing. **HB 823**
CANNABIS
Medical cannabis act, enactment and conforming changes to other laws. **SB 2095**
CHILD SUPPORT
For award of support, imputation of income based on standard amount in lieu of fact-gathering is prohibited. **HB 1067**
COLE'S LAW
Discrimination against recipients of anatomical gifts based on disability is prohibited. **HB 20**
CONGRESSIONAL DISTRICTS
Reapportionment. **HB 384**
DISABILITIES, INDIVIDUALS WITH
Discrimination against recipients of anatomical gifts based on disability is prohibited. **HB 20**
License plates for disabled veterans. disability rating applicable. **HB 192**
ELECTIONS
Election commissioners, when skills assessments are required to be taken. **HB 1331**
EMPLOYMENT SECURITY DEPARTMENT
Minimum requirements of department regarding fraud prevention, detection and recovery. **HB 720**
FENTANYL
Schedules of controlled substances revised to add fentanyl-related substances. **HB 232**
FIRE PROTECTION DISTRICTS
District prohibited from collecting charges for services rendered when county has levied special tax for the fire protection district. **HB 1098**
INCOME TAX
COVID-19, tax treatment of amounts received or expended under grant or loan programs created due to. **HB 1529**
LICENSE TAGS OR PLATES
Disabled veterans, disability rating applicable. **HB 192**
MEDICAL CANNABIS ACT
Enactment and conforming changes to other laws. **SB 2095**

PRISONS AND PRISONERS
Inmate incentive to work program and fund. **HB 920**
REAL ESTATE BROKERS AND SALESPERSONS
Disciplinary actions, administrative hearings process. **SB 2097**
SCHOOLS AND EDUCATION
Critical race theory and other race-related concepts, prohibitions regarding. **SB 2113**
TALLAHATCHIE RIVER AUTHORITY
Creation of authority. **HB 1323**

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
3-3-65	Added		HB 453	5	2
9-11-27	Amended		HB 1017	1	1
11-27-30	Added		HB 1769	1	2
17-1-3	Brought forward		SB 2095	36	1
17-17-3	Amended		HB 1135	1	1
17-17-205	Brought forward		HB 1135	2	1
17-17-305	Brought forward		HB 1135	3	1
19-5-9	Brought forward		SB 2095	37	1
19-5-177	Amended		HB 1098	1	1
19-5-195	Amended		HB 1098	2	1
19-25-31	Amended		HB 400	1	2
21-1-49	Amended		HB 821	3	2
21-8-7	Amended		HB 1341	1	1
21-19-11	Amended		HB 616	1	2
23-15-5	Amended		HB 1510	2	2
23-15-15	Amended		HB 1510	1	2
23-15-1037	Amended		HB 384	1	1
23-15-1038	Added		HB 384	3	1
23-15-211	Amended		HB 1331	2	1
23-15-213	Amended		HB 1331	1	1
23-15-269	Added		HB 1365	1	2
25-3-13	Amended		SB 2719	1	1
25-3-41	Amended		HB 1101	1	2
25-9-107	Amended		SB 2818	1	2
25-11-121	Amended		HB 252	1	1
25-15-103	Amended		HB 843	1	1
25-43-1.103	Brought forward		SB 2095	38	1
25-43-1.103	Amended		SB 2818	2	2
25-43-2.101	Brought forward		SB 2095	39	1
25-43-3.102	Brought forward		SB 2095	40	1
25-43-3.103	Brought forward		SB 2095	41	1
25-43-3.104	Brought forward		SB 2095	42	1
25-43-3.105	Brought forward		SB 2095	43	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-43-3.106	Brought forward		SB 2095	44	1
25-43-3.107	Brought forward		SB 2095	45	1
25-43-3.108	Amended		SB 2095	46	1
25-43-3.109	Brought forward		SB 2095	47	1
25-43-3.110	Brought forward		SB 2095	48	1
25-43-3.113	Brought forward		SB 2095	49	1
25-53-1	Amended		SB 2818	3	2
25-53-5	Amended		SB 2095	34	1
25-53-5	Amended		SB 2818	4	2
27-7-5	Amended		HB 531	2	2
27-7-15	Amended		HB 1529	1	1
27-7-17	Amended		HB 1529	2	1
27-7-17	Amended		SB 2095	50	1
27-7-22.3	Reenacted		SB 2846	25	2
27-7-22.30	Amended		SB 2095	76	1
27-7-22.5	Amended		SB 2095	75	1
27-7-25	Amended		HB 1691	2	2
27-7-26	Added		HB 1691	1	2
27-8-7	Amended		HB 1691	3	2
27-19-53	Amended		HB 192	1	1
27-31-1	Amended		SB 2769	1	2
27-31-51	Amended		SB 2095	77	1
27-31-53	Amended		SB 2095	78	1
27-31-101	Amended		SB 2095	79	1
27-31-104	Amended		SB 2095	80	1
27-53-5	Amended		HB 256	1	2
27-53-29	Brought forward		HB 256	2	2
27-65-17	Amended		SB 2095	81	1
27-65-101	Amended		SB 2095	82	1
27-65-111	Amended		HB 470	1	2
27-65-111	Amended		SB 2095	51	1
27-71-5	Amended		HB 918	2	2
27-72-1	Added		SB 2095	29	1
27-104-7	Amended		SB 2818	5	2
27-104-203	Amended		SB 2095	35	1
27-104-351	Amended		HB 1222	1	2
29-1-37	Amended		HB 1131	1	1
29-1-74	Amended		SB 2004	1	1
29-5-2	Amended		HB 1132	1	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
31-7-13	Amended		SB 2806	1	1
31-7-13	Amended		SB 2818	6	2
31-8-3	Amended		HB 1097	1	1
33-11-1	Amended		HB 1177	1	2
33-13-520	Amended		SB 2095	52	1
35-3-21	Amended		HB 677	1	2
37-3-2	Amended		HB 1388	8	2
37-11-29	Amended		SB 2095	53	1
37-11-77	Added		HB 1416	1	2
37-11-79	Added		HB 1416	2	2
37-11-81	Added		HB 1416	3	2
37-13-2	Added		SB 2113	1	1
37-16-3	Amended		HB 1388	9	2
37-16-17	Amended		HB 1388	10	2
37-17-6	Amended		HB 1388	7	2
37-19-7	Amended		HB 530	1	2
37-21-7	Amended		HB 530	2	2
37-23-31	Amended		HB 881	1	2
37-23-33	Amended		HB 881	2	2
37-23-35	Amended		HB 881	3	2
37-43-1	Brought forward		SB 2431	6	1
37-43-2	Brought forward		SB 2431	7	1
37-43-17	Brought forward		SB 2431	8	1
37-43-19	Brought forward		SB 2431	9	1
37-43-21	Amended		SB 2431	1	1
37-43-23	Amended		SB 2431	2	1
37-43-24	Brought forward		SB 2431	10	1
37-43-25	Brought forward		SB 2431	11	1
37-43-27	Brought forward		SB 2431	12	1
37-43-29	Brought forward		SB 2431	13	1
37-43-31	Amended		SB 2431	3	1
37-43-33	Amended		SB 2431	4	1
37-43-37	Repealed		SB 2431	21	1
37-43-39	Brought forward		SB 2431	14	1
37-43-41	Brought forward		SB 2431	15	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
37-43-43	Brought forward		SB 2431	16	1
37-43-45	Brought forward		SB 2431	17	1
37-43-47	Brought forward		SB 2431	18	1
37-43-49	Repealed		SB 2431	22	1
37-43-51	Brought forward		SB 2431	19	1
37-43-53	Repealed		SB 2431	23	1
37-43-55	Repealed		SB 2431	24	1
37-43-57	Brought forward		SB 2431	20	1
37-43-59	Amended		SB 2431	5	1
37-69-1	Reenacted		SB 2885	1	2
37-69-3	Reenacted		SB 2885	2	2
37-69-5	Reenacted		SB 2885	3	2
37-69-7	Reenacted		SB 2885	4	2
37-73-1	Added		HB 1388	1	2
37-73-3	Added		HB 1388	2	2
37-73-5	Added		HB 1388	3	2
37-73-7	Added		HB 1388	4	2
37-101-15	Amended		HB 475	1	1
37-113-29	Repealed		SB 2029	1	2
37-113-31	Repealed		SB 2029	2	2
37-133-33	Repealed		SB 2029	3	2
37-133-37	Repealed		SB 2029	4	2
37-148-3	Amended		SB 2095	83	1
37-153-19	Added		HB 1388	6	2
41-3-15	Brought forward		SB 2095	54	1
41-9-351	Added		HB 365	1	1
41-20-51	Added		HB 732	1	2
41-20-53	Added		HB 732	2	2
41-21-201	Amended		HB 927	1	1
41-21-203	Amended		HB 927	2	1
41-29-113	Amended		HB 232	1	1
41-29-115	Amended		HB 232	2	1
41-29-119	Amended		HB 232	3	1
41-29-121	Amended		HB 232	4	1
41-29-125	Amended		SB 2095	55	1
41-29-127	Amended		SB 2095	56	1
41-29-136	Amended		SB 2095	57	1
41-29-137	Amended		HB 232	5	1
41-29-137	Amended		SB 2095	58	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-29-139	Amended		SB 2095	59	1
41-29-141	Amended		SB 2095	60	1
41-29-143	Amended		SB 2095	61	1
41-29-315	Added		HB 679	1	2
41-59-3	Amended		HB 821	1	2
41-59-35	Amended		HB 821	2	2
41-137-1	Added		SB 2095	1	1
41-137-3	Added		SB 2095	2	1
41-137-5	Added		SB 2095	3	1
41-137-7	Added		SB 2095	4	1
41-137-9	Added		SB 2095	5	1
41-137-11	Added		SB 2095	6	1
41-137-13	Added		SB 2095	7	1
41-137-15	Added		SB 2095	8	1
41-137-17	Added		SB 2095	9	1
41-137-19	Added		SB 2095	10	1
41-137-21	Added		SB 2095	11	1
41-137-23	Added		SB 2095	12	1
41-137-25	Added		SB 2095	13	1
41-137-27	Added		SB 2095	14	1
41-137-29	Added		SB 2095	15	1
41-137-31	Added		SB 2095	16	1
41-137-33	Added		SB 2095	17	1
41-137-35	Added		SB 2095	18	1
41-137-37	Added		SB 2095	19	1
41-137-39	Added		SB 2095	20	1
41-137-41	Added		SB 2095	21	1
41-137-43	Added		SB 2095	22	1
41-137-45	Added		SB 2095	23	1
41-137-47	Added		SB 2095	24	1
41-137-49	Added		SB 2095	25	1
41-137-51	Added		SB 2095	26	1
41-137-53	Added		SB 2095	27	1
41-137-55	Added		SB 2095	28	1
41-137-57	Added		SB 2095	30	1
41-137-59	Added		SB 2095	31	1
41-137-61	Added		SB 2095	32	1
41-137-63	Added		SB 2095	33	1
41-137-65	Added		SB 2818	9	2
43-3-101	Amended		HB 1328	1	2
43-6-251	Added		HB 20	1	1
43-6-253	Added		HB 20	2	1
43-6-255	Added		HB 20	3	1
43-6-257	Added		HB 20	4	1
43-6-259	Added		HB 20	5	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
43-6-261	Added		HB 20	6	1
43-6-263	Added		HB 20	7	1
43-13-407	Amended		HB 492	1	1
43-19-101	Amended		HB 1067	1	1
43-21-301	Amended		SB 2095	62	1
43-21-303	Amended		SB 2095	63	1
43-27-39	Amended		HB 1343	2	2
43-30-51	Added		HB 1056	1	1
45-2-1	Amended		HB 779	1	1
45-9-101	Amended		SB 2095	64	1
45-27-7	Amended		SB 2818	7	2
45-27-12	Amended		SB 2818	8	2
45-35-17	Added		HB 971	2	2
47-5-1001	Reenacted		HB 534	1	1
47-5-1003	Reenacted		HB 534	2	1
47-5-1005	Reenacted		HB 534	3	1
47-5-1007	Reenacted		HB 534	4	1
47-5-1009	Reenacted		HB 534	5	1
47-5-1011	Reenacted		HB 534	6	1
47-5-1013	Reenacted		HB 534	7	1
47-5-1014	Reenacted		HB 534	8	1
47-5-1015	Amended		HB 534	9	1
47-5-357	Amended		HB 919	1	2
47-5-371	Added		HB 920	1	1
47-5-451.1	Added		HB 586	1	2
47-5-701	Reenacted		HB 515	1	1
47-5-703	Reenacted		HB 515	2	1
47-5-705	Reenacted		HB 515	3	1
47-5-707	Reenacted		HB 515	4	1
47-5-709	Reenacted		HB 515	5	1
47-5-711	Reenacted		HB 515	6	1
47-5-713	Reenacted		HB 515	7	1
47-5-715	Reenacted		HB 515	8	1
47-5-717	Reenacted		HB 515	9	1
47-5-719	Reenacted		HB 515	10	1
47-5-721	Reenacted		HB 515	11	1
47-5-723	Reenacted		HB 515	12	1
47-5-725	Reenacted		HB 515	13	1
47-5-727	Reenacted		HB 515	14	1
47-5-729	Reenacted		HB 515	15	1
47-5-731	Amended		HB 515	16	1
47-5-903	Amended		HB 906	1	2
47-5-940	Amended		HB 514	1	1
47-7-5	Amended		HB 683	1	2
47-7-49	Amended		HB 689	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
49-7-31	Amended		HB 1035	2	2
49-7-31.5	Amended		HB 1065	1	2
49-7-31.6	Added		HB 1035	1	2
49-7-37	Amended		SB 2010	1	2
49-7-140	Amended		HB 1065	2	2
49-15-27	Amended		HB 1057	1	2
49-15-28	Amended		HB 1130	1	1
49-15-36	Amended		HB 972	2	2
49-15-40.1	Added		HB 972	1	2
49-27-71	Amended		SB 2076	1	2
51-26-1	Added		HB 1323	1	1
51-26-3	Added		HB 1323	2	1
51-26-5	Added		HB 1323	3	1
53-11-3	Amended		HB 1214	1	2
53-11-5	Amended		HB 1214	2	2
53-11-9	Amended		HB 1214	3	2
53-11-11	Amended		HB 1214	4	2
53-11-31	Amended		HB 1214	5	2
57-1-16	Amended		SB 2095	84	1
57-1-64	Amended		HB 1093	2	1
57-1-64.05	Added		HB 1093	1	1
57-1-221	Amended		SB 2095	85	1
57-1-303	Amended		HB 483	1	1
57-10-401	Amended		SB 2095	86	1
57-10-401	Reenacted		SB 2846	1	2
57-10-403	Reenacted		SB 2846	2	2
57-10-405	Reenacted		SB 2846	3	2
57-10-407	Reenacted		SB 2846	4	2
57-10-409	Reenacted		SB 2846	5	2
57-10-411	Reenacted		SB 2846	6	2
57-10-413	Reenacted		SB 2846	7	2
57-10-415	Reenacted		SB 2846	8	2
57-10-417	Reenacted		SB 2846	9	2
57-10-419	Reenacted		SB 2846	10	2
57-10-421	Reenacted		SB 2846	11	2
57-10-423	Reenacted		SB 2846	12	2
57-10-425	Reenacted		SB 2846	13	2
57-10-427	Reenacted		SB 2846	14	2
57-10-429	Reenacted		SB 2846	15	2
57-10-431	Reenacted		SB 2846	16	2
57-10-433	Reenacted		SB 2846	17	2
57-10-435	Reenacted		SB 2846	18	2
57-10-437	Reenacted		SB 2846	19	2
57-10-439	Reenacted		SB 2846	20	2
57-10-441	Reenacted		SB 2846	21	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
57-10-443	Reenacted		SB 2846	22	2
57-10-445	Reenacted		SB 2846	23	2
57-10-447	Reenacted		SB 2846	24	2
57-10-449	Amended		SB 2846	26	2
57-10-601	Amended		HB 1164	1	2
57-10-701	Reenacted		HB 684	1	2
57-10-703	Reenacted		HB 684	2	2
57-10-705	Reenacted		HB 684	3	2
57-10-707	Reenacted		HB 684	4	2
57-10-709	Reenacted		HB 684	5	2
57-10-711	Amended		HB 684	6	2
57-61-5	Amended		SB 2095	87	1
57-62-5	Amended		SB 2095	88	1
57-69-3	Amended		SB 2095	89	1
57-71-5	Amended		SB 2095	90	1
57-73-21	Amended		SB 2095	91	1
57-73-21	Amended		SB 2773	1	2
57-75-15	Amended		SB 2841	1	2
57-80-5	Amended		SB 2095	92	1
57-85-5	Amended		SB 2095	93	1
57-91-5	Amended		SB 2095	94	1
57-117-3	Amended		SB 2095	95	1
57-119-11	Amended		SB 2095	96	1
57-121-7	Amended		HB 1529	3	1
57-123-4	Added		HB 453	2	2
57-123-7	Added		HB 453	3	2
57-123-9	Added		HB 453	4	2
59-23-7	Amended		SB 2095	65	1
61-3-15	Amended		HB 974	1	2
63-1-49	Amended		HB 971	1	2
63-1-208	Amended		HB 1486	1	1
63-1-216	Amended		HB 971	3	2
63-3-519	Amended		HB 567	1	1
63-5-33	Amended		HB 1485	1	1
63-11-30	Amended		SB 2095	66	1
63-21-251	Added		HB 1430	1	2
63-21-253	Added		HB 1430	2	2
63-21-255	Added		HB 1430	3	2
63-21-257	Added		HB 1430	4	2
63-21-259	Added		HB 1430	5	2
63-21-261	Added		HB 1430	6	2
63-31-3	Amended		HB 158	1	1
65-3-71.320	Amended		SB 2481	5	1
65-3-71.337	Added		HB 503	1	1
65-3-71.338	Added		HB 504	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
65-3-71.339	Added		HB 505	1	1
65-3-71.340	Added		HB 990	1	1
65-3-71.341	Added		HB 1002	1	1
65-3-71.342	Added		HB 1113	1	1
65-3-71.343	Added		SB 2481	1	1
65-3-71.344	Added		SB 2481	2	1
65-3-71.345	Added		SB 2481	3	1
65-3-71.346	Added		SB 2481	4	1
65-3-71.347	Added		SB 2520	1	1
65-3-71.348	Added		HB 1378	1	2
65-3-71.349	Added		HB 811	1	2
65-3-71.350	Added		HB 811	2	2
65-4-5	Amended		SB 2095	97	1
65-21-1	Amended		HB 1073	1	1
67-1-51	Amended		HB 918	1	2
69-2-11	Amended		SB 2095	98	1
69-2-13	Amended		SB 2095	99	1
71-3-7	Amended		SB 2095	67	1
71-3-121	Amended		SB 2095	68	1
71-5-147	Added		HB 720	1	1
73-15-29	Amended		SB 2095	69	1
73-19-23	Amended		SB 2095	70	1
73-21-127	Amended		SB 2095	71	1
73-25-29	Amended		SB 2095	72	1
73-30-3	Amended		HB 1056	2	1
73-30-5	Amended		HB 1056	3	1
73-30-7	Amended		HB 1056	4	1
73-30-9	Amended		HB 1056	5	1
73-30-21	Amended		HB 1056	6	1
73-30-23	Amended		HB 1056	7	1
73-30-29	Amended		HB 1056	8	1
73-34-103	Amended		SB 2039	1	1
73-35-21	Amended		SB 2097	3	1
73-35-23	Amended		SB 2097	1	1
73-35-25	Amended		SB 2097	2	1
73-38-3	Amended		HB 424	2	1
73-38-5	Amended		HB 424	3	1
73-38-7	Amended		HB 424	4	1
73-38-9	Amended		HB 424	5	1
73-38-13	Brought forward		HB 424	6	1
73-38-17	Amended		HB 424	7	1
73-38-25	Amended		HB 424	8	1
73-38-27	Amended		HB 424	9	1
73-38-29	Amended		HB 424	10	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-38-31	Amended		HB 424	11	1
73-38-33	Brought forward		HB 424	12	1
73-38-51	Added		HB 424	1	1
73-69-5	Amended		HB 823	1	1
73-69-27	Amended		HB 823	2	1
73-153-15	Amended		HB 1388	5	2
75-29-601	Amended		SB 2007	1	2
75-29-603	Amended		SB 2007	2	2
77-19-1	Added		HB 1029	1	2
77-19-3	Added		HB 1029	2	2
77-19-5	Added		HB 1029	3	2
77-19-7	Added		HB 1029	4	2
77-19-9	Added		HB 1029	5	2
77-19-11	Added		HB 1029	6	2
77-19-13	Added		HB 1029	7	2
77-19-15	Added		HB 1029	8	2
77-19-17	Added		HB 1029	9	2
79-11-501	Amended		HB 590	1	2
79-11-511	Amended		HB 590	2	2
79-11-751	Amended		HB 933	1	2
79-11-753	Amended		HB 933	2	2
79-11-755	Brought forward		HB 933	6	2
79-11-757	Amended		HB 933	3	2
79-11-759	Amended		HB 933	4	2
79-11-761	Added		HB 933	5	2
81-1-81	Amended		SB 2018	1	1
81-5-85	Amended		HB 1360	1	1
81-5-97	Amended		HB 1360	2	1
81-22-1	Reenacted		HB 687	1	1
81-22-3	Reenacted		HB 687	2	1
81-22-5	Reenacted		HB 687	3	1
81-22-7	Reenacted		HB 687	4	1
81-22-9	Reenacted		HB 687	5	1
81-22-11	Reenacted		HB 687	6	1
81-22-13	Reenacted		HB 687	7	1
81-22-15	Reenacted		HB 687	8	1
81-22-17	Reenacted		HB 687	9	1
81-22-19	Reenacted		HB 687	10	1
81-22-21	Reenacted		HB 687	11	1
81-22-23	Reenacted		HB 687	12	1
81-22-25	Reenacted		HB 687	13	1
81-22-27	Reenacted		HB 687	14	1
81-22-28	Reenacted		HB 687	15	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
81-22-31	Amended		HB 687	16	1
83-5-851	Added		HB 1187	1	2
83-5-853	Added		HB 1187	2	2
83-5-855	Added		HB 1187	3	2
83-5-857	Added		HB 1187	4	2
83-5-859	Added		HB 1187	5	2
83-5-861	Added		HB 1187	6	2
83-5-863	Added		HB 1187	7	2
83-5-865	Added		HB 1187	8	2
83-5-867	Added		HB 1187	9	2
83-5-869	Added		HB 1187	10	2
83-5-871	Added		HB 1187	11	2
83-5-873	Added		HB 1187	12	2
83-5-875	Added		HB 1187	13	2
83-5-879	Added		HB 1187	14	2
83-9-22	Amended		SB 2095	73	1
83-83-1	Amended		HB 160	1	2
83-83-2	Added		HB 160	2	2
83-83-3	Amended		HB 160	3	2
83-83-5	Amended		HB 160	4	2
83-83-6	Added		HB 160	5	2
83-83-8	Added		HB 160	6	2
83-83-9	Amended		HB 160	7	2
83-83-10	Added		HB 160	8	2
83-83-13	Amended		HB 160	9	2
83-83-15	Added		HB 160	10	2
91-7-63	Amended		SB 2034	1	2
99-19-51	Amended		HB 1479	1	2
99-19-53	Amended		HB 1479	2	2
99-19-55	Amended		HB 1479	3	2

Mississippi Legislature
2022 Regular Session

House Bill 20

Description: Anatomical gifts; prohibit discrimination against recipient based on disability.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/04	(H) Referred To Public Health and Human Services
2	01/25	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/11	(S) Referred To Public Health and Welfare
6	02/23	(S) Title Suff Do Pass
7	02/24	(S) Passed {Vote}
8	02/24	(S) Immediate Release
9	02/24	(S) Returned For Enrolling
10	02/24	(H) Enrolled Bill Signed
11	02/25	(S) Enrolled Bill Signed
12	03/03	Approved by Governor

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Yancey
Additional Authors: Ford (73rd), Sanford, Rushing, Currie, Shanks, Arnold, Massengill, Steverson, Mickens, Eubanks

Title: AN ACT TO ENACT COLE'S LAW TO PROHIBIT DISCRIMINATION AGAINST RECIPIENTS OF AN ANATOMICAL GIFT OR ORGAN TRANSPLANT BASED ON DISABILITY; TO DEFINE CERTAIN TERMS FOR THE ACT; TO PROVIDE REQUIREMENTS FOR COVERED ENTITIES; TO PROVIDE FOR THE RELIEF PROVIDED BY THE ACT; TO PROVIDE CERTAIN REQUIREMENTS OF INSURERS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 20

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representatives Yancey, Ford (73rd), Sanford, Rushing, Currie, Shanks, Arnold, Massengill, Steverson, Mickens, Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 20

AN ACT TO ENACT COLE'S LAW TO PROHIBIT DISCRIMINATION AGAINST RECIPIENTS OF AN ANATOMICAL GIFT OR ORGAN TRANSPLANT BASED ON DISABILITY; TO DEFINE CERTAIN TERMS FOR THE ACT; TO PROVIDE REQUIREMENTS FOR COVERED ENTITIES; TO PROVIDE FOR THE RELIEF PROVIDED BY THE ACT; TO PROVIDE CERTAIN REQUIREMENTS OF INSURERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as "Cole's Law."

SECTION 2. The Legislature finds that:

(a) A mental or physical disability does not diminish a person's right to health care;

(b) The "Americans with Disabilities Act of 1990," 42 USC Section 12101, prohibits discrimination against persons with disabilities, yet many individuals with disabilities still experience discrimination in accessing critical health care services;

(c) In other states nationwide, individuals with mental and physical disabilities have been denied lifesaving organ transplants based on assumptions that their lives are less worthy,

that they are incapable of complying with post-transplant medical requirements, or that they lack adequate support systems to ensure compliance with post-transplant medical requirements;

(d) Although organ transplant centers must consider medical and psychosocial criteria when determining if a patient is suitable to receive an organ transplant, transplant centers that participate in Medicare, Medicaid, and other federally funded programs are required to use patient selection criteria that results in a fair and nondiscriminatory distribution of organs; and

(e) Mississippi residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability.

SECTION 3. For purposes of this act, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(a) "Disability" has the meaning stated in the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, at 42 USC Section 12102.

(b) "Auxiliary aids or services" means an aid or service that is used to provide information to an individual with a cognitive, developmental, intellectual, neurological, or physical disability and is available in a format or manner that allows the individual to better understand the information. An auxiliary aid or service may include:

(i) Qualified interpreters or other effective methods of making aurally delivered materials available to persons with hearing impairments;

(ii) Qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to persons with visual impairments;

(iii) Supported decision-making services, including:

1. The use of a support individual to communicate information to the individual with a disability, ascertain the wishes of the individual, or assist the individual in making decisions;

2. The disclosure of information to a legal guardian, authorized representative, or another individual designated by the individual with a disability for such purpose, as long as the disclosure is consistent with state and federal law, including the federal "Health Insurance Portability and Accountability Act of 1996," 42 USC 1320d et seq. and any regulations promulgated by the United States Department of Health and Human Services to implement the act;

3. If an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the

individual's health care and that medical decisions are in accordance with the individual's own expressed interests; and

4. Any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental or intellectual disabilities, including assistive communication technology.

(c) "Qualified recipient" means an individual who has a disability and meets the essential eligibility requirements for the receipt of an anatomical gift with or without any of the following:

(i) Individuals or entities available to support and assist the individual with an anatomical gift or transplantation;

(ii) Auxiliary aids or services;

(iii) Reasonable modifications to the policies, practices, or procedures of a covered entity, including modifications to allow for either or both of the following:

1. Communication with one or more individuals or entities available to support or assist with the recipient's care and medication after surgery or transplantation; and/or

2. Consideration of support networks available to the individual, including family, friends, and home- and community-based services, including home- and community-based services funded through Medicaid, Medicare, another health plan in

which the individual is enrolled, or any program or source of funding available to the individual, when determining whether the individual is able to comply with post-transplant medical requirements.

(d) "Anatomical gift" means a donation of all or part of a human body, including, but not limited to, eye or tissue, to take effect after the donor's death for the purpose of transplantation or transfusion.

(e) "Organ transplant" means the transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

(f) "Covered entity" means:

(i) Any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers; or

(ii) Any entity responsible for matching anatomical gift donors to potential recipients.

SECTION 4. (1) The provisions of this section shall apply to all stages of the organ transplant process.

(2) A covered entity shall not, solely on the basis of an individual's disability:

(a) Consider the individual ineligible to receive an anatomical gift or organ transplant;

(b) Deny medical services or other services related to organ transplantation, including diagnostic services, evaluation, surgery, counseling, post-operative treatment and services;

(c) Refuse to refer the individual to a transplant center or other related specialist for the purpose of being evaluated for or receiving an organ transplant;

(d) Refuse to place a qualified recipient on an organ transplant waiting list;

(e) Place a qualified recipient on an organ transplant waiting list at a lower priority position than the position at which the individual would have been placed if the individual did not have a disability; or

(f) Refuse insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift or organ transplant, including post-transplantation and post-transfusion care.

(3) Notwithstanding subsection (2) of this section, a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found by a physician or surgeon, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

(4) If an individual has the necessary support system to assist the individual in complying with post-transplant medical requirements, a covered entity may not consider the individual's inability to independently comply with post-transplant medical requirements to be medically significant for the purposes of subsection (3) of this section.

(5) A covered entity must make reasonable modifications to its policies, practices, or procedures to allow individuals with disabilities access to transplantation-related services, including diagnostic services, surgery, coverage, post-operative treatment, and counseling, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such services.

(6) A covered entity must take steps necessary to ensure that an individual with a disability is not denied medical services or other services related to organ transplantation, including diagnostic services, surgery, post-operative treatment, or counseling, due to the absence of auxiliary aids or services, unless the covered entity demonstrates that taking the steps would fundamentally alter the nature of the medical services or other services related to organ transplantation or would result in an undue burden for the covered entity.

(7) Nothing in this section shall be deemed to require a covered entity to make a referral or recommendation for or perform a medically inappropriate organ transplant.

(8) A covered entity shall otherwise comply with the requirements of Titles II and III of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.

SECTION 5. (1) Whenever it appears that a covered entity has violated or is violating any of the provisions of this act, the affected individual may commence a civil action for injunctive and other equitable relief against the covered entity for purposes of enforcing compliance with this act. The action may be brought in the circuit or county court for the county where the affected individual resides or resided or was denied the organ transplant or referral.

(2) In an action brought under this act, the court must give priority on its docket and expedited review, and may grant injunctive or other equitable relief, including:

(a) Requiring auxiliary aids or services to be made available for a qualified recipient;

(b) Requiring the modification of a policy, practice or procedure of a covered entity; or

(c) Requiring facilities be made readily accessible to and usable by a qualified recipient.

(3) Nothing in this act is intended to limit or replace available remedies under the ADA or any other applicable law.

(4) This act does not create a right to compensatory or punitive damages against a covered entity.

SECTION 6. (1) For purposes of this section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(a) "Covered person" means a policyholder, subscriber, enrollee, member, or individual covered by a health benefit plan.

(b) "Health benefit plan" means a policy, contract, certificate, or agreement entered into, offered, or issued by a health insurance issuer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" shall not include a plan providing coverage for excepted benefits and short-term policies that have a term of less than twelve (12) months.

(c) "Health insurance issuer" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the Commissioner of Insurance, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including through a health benefit plan as defined in this section, and shall include a sickness and accident insurance company, a health maintenance organization, a preferred provider organization, or any similar entity, or any other entity providing a plan of health insurance or health benefits.

(2) A health insurance issuer that provides coverage for anatomical gifts, organ transplants, or related treatment and services shall not:

(a) Deny coverage to a covered person solely on the basis of the person's disability;

(b) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the health benefit plan, solely for the purpose of avoiding the requirements of this section;

(c) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or nonmonetary incentives to an attending provider, to induce such provider to provide care to an insured or enrollee in a manner inconsistent with this section; or

(d) Reduce or limit coverage benefits to a patient for the medical services or other services related to organ transplantation performed pursuant to this section as determined in consultation with the attending physician and patient.

(3) In the case of a health benefit plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement imposed pursuant to this section shall not be treated as a termination of the collective bargaining agreement.

(4) Nothing in this section shall be deemed to require a health insurance issuer to provide coverage for a medically inappropriate organ transplant.

SECTION 7. The Legislature hereby declares that the life of a person with a disability who needs an organ transplant is as worthy and valuable as the life of a person with no disability who needs the same medical service.

SECTION 8. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 158

Description: Off-road vehicles; revise definitions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/04	(H) Referred To Transportation
2	01/26	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/04	(H) Transmitted To Senate
6	02/11	(S) Referred To Highways and Transportation
7	02/23	(S) Title Suff Do Pass
8	03/07	(S) Passed {Vote}
9	03/08	(S) Returned For Enrolling
10	03/09	(H) Enrolled Bill Signed
11	03/10	(S) Enrolled Bill Signed
12	03/16	Approved by Governor

Code Section: A 063-0031-0003

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation

Principal Author: Massengill

Title: AN ACT TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITIONS OF ALL-TERRAIN VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES FOR THE PURPOSES OF THE STATUTE REGULATING THE OPERATION OF OFF-ROAD VEHICLES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Massengill To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 158

AN ACT TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITIONS OF ALL-TERRAIN VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES FOR THE PURPOSES OF THE STATUTE REGULATING THE OPERATION OF OFF-ROAD VEHICLES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-31-3, Mississippi Code of 1972, is amended as follows:

63-31-3. (1) No off-road vehicle shall be operated upon any public property by any person unless:

(a) (i) The person possesses a valid driver's license; or

(ii) The person possesses a certificate as provided under subsections (3) and (4) of this section.

(b) No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety

Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.

(2) A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00).

(3) Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(4) Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(5) For the purposes of this section:

(a) "Off-road vehicle" means any all-terrain vehicle, dirt bike or recreational off-highway vehicle. The term "off-road vehicle" shall not include electric bicycles.

(b) "All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is * * * fifty-five (55) inches or less in width; has an unladen dry weight of one thousand (1,000) pounds or less; and

travels on three (3), four (4) or more nonhighway tires. The term "all-terrain vehicle" shall not include electric bicycles.

(c) "Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street. The term "dirt bike" shall not include electric bicycles.

(d) "Recreational off-highway vehicle" means any motorized vehicle manufactured and designed exclusively for off-road use that is * * * seventy-five (75) inches or less in width; has an unladen dry weight of * * * three thousand five hundred (3,500) pounds or less; and travels on four (4) or more nonhighway tires.

(6) Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 175

Description: Bonds; revise purposes for which bonds authorized for City of Hazlehurst may be used.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/04	(H) Referred To Ways and Means
2	01/26	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Finance
6	02/24	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Holloway
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 69, CHAPTER 480, LAWS OF 2021, TO REVISE THE PURPOSES FOR WHICH THE PROCEEDS OF BONDS AUTHORIZED TO BE ISSUED TO ASSIST THE CITY OF HAZLEHURST, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH CONSTRUCTION OF A COMMUNITY CENTER/ EMERGENCY STORM SHELTER AND RELATED FACILITIES, MAY BE USED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Holloway, Stamps To: Ways and Means

HOUSE BILL NO. 175

AN ACT TO AMEND SECTION 69, CHAPTER 480, LAWS OF 2021, TO REVISE THE PURPOSES FOR WHICH THE PROCEEDS OF BONDS AUTHORIZED TO BE ISSUED TO ASSIST THE CITY OF HAZLEHURST, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH CONSTRUCTION OF A COMMUNITY CENTER/EMERGENCY STORM SHELTER AND RELATED FACILITIES, MAY BE USED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69, Chapter 480, Laws of 2021, is amended as follows:

(1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2021 City of Hazlehurst - Community Center/Emergency Storm Shelter Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist the City of Hazlehurst, Mississippi, in paying costs associated with construction, furnishing and equipping of a community center/emergency storm shelter and related facilities.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with

the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Seven Hundred Fifty Thousand Dollars ($750,000.00). No bonds shall be issued under this section after July 1, 2025.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in

accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such

bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such

bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of

Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 192

Description: License plate; revise disability requirement for disabled veterans tag.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/04	(H) Referred To Transportation; Ways and Means
2	01/20	(H) DR - TSDP: TR To WM
3	01/26	(H) DR - TSDP: WM To TR
4	01/26	(H) Title Suff Do Pass
5	02/03	(H) Amended
6	02/03	(H) Passed As Amended {Vote}
7	02/07	(H) Transmitted To Senate
8	02/17	(S) Referred To Finance
9	02/24	(S) Title Suff Do Pass
10	03/08	(S) Passed {Vote}
11	03/09	(S) Returned For Enrolling
12	03/11	(H) Enrolled Bill Signed
13	03/11	(S) Enrolled Bill Signed
14	03/17	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 027-0019-0053

----- Additional Information -----

House Committee: Transportation, Ways and Means
Senate Committee: Finance

Principal Author: Mickens
Additional Authors: Byrd, Karriem

Title: AN ACT TO AMEND SECTION 27-19-53, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENT FOR CERTAIN LICENSE PLATES FOR DISABLED VETERANS FROM ONE HUNDRED PERCENT PERMANENT SERVICE-

CONNECTED DISABILITY TO SEVENTY-FIVE PERCENT PERMANENT SERVICE-CONNECTED DISABILITY; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 192

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representatives Mickens, Byrd, Karriem

To: Transportation; Ways and Means

HOUSE BILL NO. 192
(As Passed the House)

AN ACT TO AMEND SECTION 27-19-53, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENT FOR CERTAIN LICENSE PLATES FOR DISABLED VETERANS FROM ONE HUNDRED PERCENT PERMANENT SERVICE-CONNECTED DISABILITY TO SEVENTY-FIVE PERCENT PERMANENT SERVICE-CONNECTED DISABILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-19-53, Mississippi Code of 1972, is amended as follows:

27-19-53. (1) (a) (i) Any legal resident of the State of Mississippi who is a veteran of service in the Armed Forces of the United States, and who is rated as having * * * seventy-five percent (75%) permanent service-connected disability by the Veterans' Administration is privileged to purchase annually under this subsection two (2) motor vehicle license plates or tags in his or her county of legal residence, for the sum of One Dollar ($1.00) in total cost for each plate or tag, regardless of make or model of motor vehicle. The registration year of such motor vehicle shall commence the first day of the month in which

application for registration is made, as provided in Section 27-19-31.

(ii) Any legal resident of the State of Mississippi who is a veteran of service in the Armed Forces of the United States, and who is rated as having * * * seventy-five percent (75%) permanent service-connected disability by the Veterans' Administration is privileged to purchase annually under this subsection one (1) motorcycle license plate or tag in his or her county of legal residence, for the sum of One Dollar ($1.00) in total cost for each plate or tag. The registration year of such motorcycle shall commence the first day of the month in which application for registration is made, as provided in Section 27-19-31.

(b) Not more than two (2) such motor vehicle license plates or tags shall be issued under this subsection to each such qualified veteran. Not more than one (1) such motorcycle license plate or tag shall be issued under this subsection to each such qualified veteran.

(c) This section pertains only to taxes or plates for private passenger motor vehicles or pickup trucks or motorcycles.

(d) Proof of ownership of a particular motor vehicle or motorcycle for which a license plate or tag is requested must be shown at time of application for such plate or tag.

(e) Vehicles and motorcycles owned by such veterans are exempt under this subsection from all ad valorem and privilege

taxes; however, the surviving spouse of a deceased person who was issued a license plate or tag under this subsection shall be entitled to apply for or retain a license tag issued under this subsection and may continue annually to renew registration for two (2) motor vehicle license plates or tags and one (1) motorcycle license plate or tag under this subsection for as long as the spouse remains unmarried. In addition, if a deceased person who was eligible to be issued a license plate or tag under this subsection did not apply for or was not issued a license plate or tag, the surviving spouse of such deceased person shall be entitled to apply for and be issued a license plate or tag under this subsection and may continue annually to renew registration for two (2) motor vehicle license plates or tags and one (1) motorcycle license tag or plate under this subsection for as long as the spouse remains unmarried. At the time of application or renewal registration, a surviving spouse who desires to retain a distinctive plate or tag issued under this subsection shall file with the county tax collector a sworn statement that the spouse is unmarried. Any such vehicle or motorcycle when so registered shall be exempt from all ad valorem and privilege taxes.

(2) Any person who is entitled to obtain license tags under subsection (1) of this section may be issued one (1) additional such license tag for any other vehicle registered in his or her name upon payment of the road and bridge privilege taxes, ad

valorem taxes and registration fees as otherwise prescribed by law for the particular vehicle.

(3) The Department of Revenue is directed to furnish each veteran obtaining a license tag under this section an emblem, which the veteran shall attach securely to the tag, showing that the tag was issued to a disabled American veteran.

(4) A license issued under this section shall not be transferable to any other person.

(5) Any person evading or violating any of the provisions of this section, or attempting to secure benefits under this section to which he is not entitled, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars ($1,000.00) or imprisoned in the county jail for not less than ninety (90) days, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 232

Description: Uniform Controlled Substances Act; revise schedules.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/04	(H) Referred To Drug Policy
2	01/19	(H) Title Suff Do Pass
3	01/20	(H) Passed {Vote}
4	01/21	(H) Transmitted To Senate
5	01/26	(S) Referred To Public Health and Welfare
6	02/23	(S) Title Suff Do Pass As Amended
7	02/24	(S) Amended
8	02/24	(S) Passed As Amended {Vote}
9	02/24	(S) Immediate Release
10	02/24	(S) Returned For Concurrence
11	02/24	(H) Concurred in Amend From Senate {Vote}
12	02/28	(S) Recalled From House
13	02/28	(S) Motion to Reconsider Entered
14	02/28	(S) Reconsidered
15	02/28	(S) Amended
16	02/28	(S) Passed As Amended {Vote}
17	03/02	(S) Returned For Concurrence
18	03/03	(H) Concurred in Amend From Senate {Vote}
19	03/07	(H) Enrolled Bill Signed
20	03/08	(S) Enrolled Bill Signed
21	03/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 232

Code Section: A 041-0029-0113, A 041-0029-0115, A 041-0029-0119, A 041-0029-0121, A 041-0029-0137

----- Additional Information -----

House Committee: Drug Policy
Senate Committee: Public Health and Welfare

Principal Author: Yancey

Title: AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972, TO INCLUDE 20 FENTANYL-RELATED SUBSTANCES, MT-45, NM2201, 5F-CUMYL-P7AICA AND PMMA AS SCHEDULE I CONTROLLED SUBSTANCES BECAUSE THESE DRUGS HAVE NO LEGITIMATE MEDICAL USE AND HAVE A HIGH POTENCY WITH GREAT POTENTIAL TO CAUSE HARM; TO ALPHABETIZE CERTAIN SUBSTANCES TO CONFORM THE LIST OF SCHEDULE I OPIATES TO THE CODE OF FEDERAL REGULATIONS; TO AMEND SECTION 41-29-115, MISSISSIPPI CODE OF 1972, TO INCLUDE OLICERIDINE AS A SCHEDULE II CONTROLLED SUBSTANCE BECAUSE OLICERIDINE HAS A CURRENTLY ACCEPTED MEDICAL USE BUT HAS A HIGH POTENTIAL FOR ABUSE THAT MAY LEAD TO SEVERE PSYCHOLOGICAL OR PHYSICAL DEPENDENCE; TO AMEND SECTION 41-29-119, MISSISSIPPI CODE OF 1972, TO INCLUDE LEMBOREXANT AND REMIMAZOLAM AS SCHEDULE IV CONTROLLED SUBSTANCES BECAUSE THESE DRUGS HAVE A CURRENTLY ACCEPTED MEDICAL USE AND A LOW POTENTIAL FOR ABUSE THAT MAY LEAD TO LIMITED PHYSICAL DEPENDENCE OR PSYCHOLOGICAL DEPENDENCE RELATIVE TO THE DRUGS OR OTHER SUBSTANCES IN SCHEDULE III; TO AMEND SECTION 41-29-121, MISSISSIPPI CODE OF 1972, TO INCLUDE CENOBAMATE AND LASMIDITAN AS SCHEDULE V CONTROLLED SUBSTANCES BECAUSE THESE DRUGS HAVE A CURRENTLY ACCEPTED MEDICAL USE AND A LOW POTENTIAL FOR ABUSE THAT MAY LEAD TO LIMITED PHYSICAL DEPENDENCE OR PSYCHOLOGICAL DEPENDENCE RELATIVE TO THE DRUGS OR OTHER SUBSTANCES IN SCHEDULE IV; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO CONFORM TO EXISTING LAW REGARDING THE PRESCRIPTIVE AUTHORITY OF OPTOMETRISTS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 232

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Yancey To: Drug Policy

HOUSE BILL NO. 232
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972, TO INCLUDE 20 FENTANYL-RELATED SUBSTANCES, MT-45, NM2201, 5F-CUMYL-P7AICA AND PMMA AS SCHEDULE I CONTROLLED SUBSTANCES BECAUSE THESE DRUGS HAVE NO LEGITIMATE MEDICAL USE AND HAVE A HIGH POTENCY WITH GREAT POTENTIAL TO CAUSE HARM; TO ALPHABETIZE CERTAIN SUBSTANCES TO CONFORM THE LIST OF SCHEDULE I OPIATES TO THE CODE OF FEDERAL REGULATIONS; TO AMEND SECTION 41-29-115, MISSISSIPPI CODE OF 1972, TO INCLUDE OLICERIDINE AS A SCHEDULE II CONTROLLED SUBSTANCE BECAUSE OLICERIDINE HAS A CURRENTLY ACCEPTED MEDICAL USE BUT HAS A HIGH POTENTIAL FOR ABUSE THAT MAY LEAD TO SEVERE PSYCHOLOGICAL OR PHYSICAL DEPENDENCE; TO AMEND SECTION 41-29-119, MISSISSIPPI CODE OF 1972, TO INCLUDE LEMBOREXANT AND REMIMAZOLAM AS SCHEDULE IV CONTROLLED SUBSTANCES BECAUSE THESE DRUGS HAVE A CURRENTLY ACCEPTED MEDICAL USE AND A LOW POTENTIAL FOR ABUSE THAT MAY LEAD TO LIMITED PHYSICAL DEPENDENCE OR PSYCHOLOGICAL DEPENDENCE RELATIVE TO THE DRUGS OR OTHER SUBSTANCES IN SCHEDULE III; TO AMEND SECTION 41-29-121, MISSISSIPPI CODE OF 1972, TO INCLUDE CENOBAMATE AND LASMIDITAN AS SCHEDULE V CONTROLLED SUBSTANCES BECAUSE THESE DRUGS HAVE A CURRENTLY ACCEPTED MEDICAL USE AND A LOW POTENTIAL FOR ABUSE THAT MAY LEAD TO LIMITED PHYSICAL DEPENDENCE OR PSYCHOLOGICAL DEPENDENCE RELATIVE TO THE DRUGS OR OTHER SUBSTANCES IN SCHEDULE IV; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO CONFORM TO EXISTING LAW REGARDING THE PRESCRIPTIVE AUTHORITY OF OPTOMETRISTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-29-113, Mississippi Code of 1972, is amended as follows:

41-29-113.

SCHEDULE I

(a) Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, that is listed in this section.

(b) **Opiates.** Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(* * *3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

(4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide), also known as acryloylfentanyl;

(* * *5) AH-7921 (3,4-dichloro-*N*-[(1-dimethylamino) cyclohexylmethyl]benzamide);

* * *

(* * *6) Allylprodine;

(* * *7) Alphacetylmethadol, except levo-alphacetylmethadol (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(* * *8) Alphameprodine;

(* * *9) Alphamethadol;

(* * *10) Alpha-Methylfentanyl (N-[1-alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);

(* * *11) Alpha-Methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(* * *12) Benzethidine;

(* * *13) Betacetylmethadol;

(* * *14) Beta-Hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

(* * *15) Beta-Hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenylethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(16) Beta-Hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide);

(* * *17) Betameprodine;

(* * *18) Betamethadol;

(19) Beta-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide), also known as β-methyl fentanyl;

(20) Beta'-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide), also known as β'-phenyl fentanyl or 3-phenylpropanoyl fentanyl;

(* * *21) Betaprodine;

(* * *22) Butyrl fentanyl (N-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide);

(* * *23) Clonitazene;

(24) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);

(25) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

(26) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

(* * *27) Dextromoramide;

(* * *28) Diampromide;

(* * *29) Diethylthiambutene;

(* * *30) Difenoxin;

(* * *31) Dimenoxadol;

(* * *32) Dimepheptanol;

(* * *33) Dimethylthiambutene;

(* * *34) Dioxaphetyl butyrate;

(* * *35) Dipipanone;

(* * *36) Ethylmethylthiambutene;

(* * *37) Etonitazene;

(* * *38) Etoxeridine;

(39) Fentanyl carbamate (ethyl(1-phenethylpiperidin-4-yl)(phenyl)carbamate);

(* * *40) Fentanyl-related substances, meaning any substance not otherwise listed under another schedule and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 USC 355] that is structurally related to fentanyl by one or more of the following modifications:

(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(E) Replacement of the N-propionyl group by another acyl group.

* * *

(41) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide), also known as para-fluoroisobutyryl fentanyl);

(42) 2'-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl) propionamide), also known as 2'-fluoro 2-fluorofentanyl;

(43) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

(* * *44) Furethidine;

(* * *45) Hydroxypethidine;

(46) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

(* * *47) Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);

(* * *48) Ketobemidone (including the optical and geometric isomers);

(* * *49) Levomoramide;

(* * *50) Levophenacylmorphan;

(51) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

(52) 4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);

(* * *53) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(* * *54) 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienylethyl)-4-piperidinyl]-N-phenylpropanamide);

(* * *55) Morpheridine;

(* * *56) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

(* * *57) * * * MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

(* * *58) Noracymethadol;

(* * *59) Norlevorphanol;

(* * *60) Normethadone;

(* * *61) Norpipanone;

(62) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);

(63) Ortho-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);

(64) Ortho-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide), also known as 2-fluorobutyryl fentanyl;

(65) Ortho-Fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide), also known as 2-fluorofentanyl;

(66) Ortho-Fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

(67) Ortho-Methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide), also known as 2-methyl acetylfentanyl;

(68) Ortho-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)

acetamide), also known as 2-methyl methoxyacetyl fentanyl;

(69) Para-Chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

(70) Para-Fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

(* * *71) Para-Fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide);

(72) Para-Fluoro furanyl fentanyl N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

(73) Para-Methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

(74) Para-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide), also known as 4-methylfentanyl);

(* * *75) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

(* * *76) Phenadoxone;

(* * *77) Phenampromide;

(* * *78) Phenomorphan;

(* * *79) Phenoperidine;

(80) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide), also known as benzoyl fentanyl;

(* * *81) Piritramide;

(* * *82) Proheptazine;

(* * *83) Properidine;

(* * *84) Propiram;

(* * *85) Racemoramide;

(86) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

(* * *87) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide);

(88) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide), also known as 2-thiofuranyl fentanyl or thiophene fentanyl;

(* * *89) Tilidine;

(* * *90) Trimeperidine;

(* * *91) U-47700, (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide) * * *;

(92) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

(c) **Opium derivatives.** Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers and salts of isomers, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine (except hydrochloride salt);

(11) Heroin;

(12) Hydromorphinol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Monoacetylmorphine;

(16) Morphine methylbromide;

(17) Morphine methylsulfonate;

(18) Morphine-N-Oxide;

(19) Myrophine;

(20) Nicocodeine;

(21) Nicomorphine;

(22) Normorphine;

(23) Pholcodine;

(24) Thebacon.

(d) **Hallucinogenic substances.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, their salts, isomers (whether optical,

positional, or geometric) and salts of isomers, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine;

(2) 4-bromo-2,5-dimethoxy-amphetamine;

(3) 4-bromo-2,5-dimethoxyphenethylamine;

(4) 2,5-dimethoxyamphetamine;

(5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(7) 4-methoxyamphetamine;

(8) 5-methoxy-3,4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine;

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy MDA, N-OHMDA, and N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);

(14) 3,4,5-trimethoxy amphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(16) Alpha-methyltryptamine (also known as AMT);

(17) Bufotenine;

(18) Diethyltryptamine;

(19) Dimethyltryptamine;

(20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(21) Ibogaine;

(22) Lysergic acid diethylamide (LSD);

(23) (A) Marijuana (Hemp as defined and regulated under Sections 69-25-201 through 69-25-221 and Cannabidiol contained in a legend drug product approved by the Federal Food and Drug Administration or obtained under Section 41-29-136 are exempt under Schedule I);

(B) Hashish;

(24) Mescaline;

(25) Parahexyl;

(26) Peyote;

(27) N-ethyl-3-piperidyl benzilate;

(28) N-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus Cannabis (cannabis plant), as well as the synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and

pharmacological activity to those substances contained in the plant such as the following:

(A) 1 cis or trans tetrahydrocannabinol;

(B) 6 cis or trans tetrahydrocannabinol;

(C) 3,4 cis or trans tetrahydrocannabinol.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of atomic positions, are covered.)

("Tetrahydrocannabinols" excludes dronabinol and nabilone.) For purposes of this paragraph, tetrahydrocannabinols do not include hemp or hemp products regulated under Sections 69-25-201 through 69-25-221.

However, the following products are exempted from control:

(i) THC-containing industrial products made from cannabis stalks (e.g., paper, rope and clothing);

(ii) Processed cannabis plant materials used for industrial purposes, such as fiber retted from cannabis stalks for use in manufacturing textiles or rope;

(iii) Animal feed mixtures that contain sterilized cannabis seeds and other ingredients (not derived from the cannabis plant) in a formula designed, marketed and distributed for nonhuman consumption;

(iv) Personal care products that contain oil from sterilized cannabis seeds, such as shampoos, soaps, and body

lotions (if the products do not cause THC to enter the human body);

(v) Hemp as regulated under Sections 69-25-201 through 69-25-221; and

(vi) Any product derived from the hemp plant designed for human ingestion and/or consumption that is approved by the United States Food and Drug Administration;

(32) Phencyclidine;

(33) Ethylamine analog of phencyclidine (PCE);

(34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

(35) Thiophene analog of phencyclidine;

(36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

(37) 4-methylmethcathinone (mephedrone);

(38) 3,4-methylenedioxypyrovalerone (MDPV);

(39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

(41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;

(43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(44) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);

(46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

(47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(48) 3,4-methylenedioxy-N-methylcathinone(methylone);

(49) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

(50) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

(51) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);

(52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one (also known as Phenazepam);

(53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene (also known as Etizolam);

(54) Salvia divinorum;

(55) Synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found in any of the following chemical groups, whether or not substituted to any extent, or any of those groups which contain any synthetic cannabinoid salts, isomers, or

salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogues in such groups:

(A) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

(B) Naphthoylindoles and naphthylmethylindoles, being any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted in the indole ring to any extent, or in the naphthyl ring to any extent;

(C) Naphthoylpyrroles, being any compound structurally derived from 3-(1-naphthoyl)pyrrole, whether or not substituted in the pyrrole ring to any extent, or in the naphthyl ring to any extent;

(D) Naphthylmethylindenes, being any compound structurally derived from 1-(1-naphthylmethyl)indene, whether or not substituted in the indene ring to any extent or in the naphthyl ring to any extent;

(E) Phenylacetylindoles, being any compound structurally derived from 3-phenylacetylindole, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;

(F) Cyclohexylphenols, being any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether or not substituted in the cyclohexyl ring to any extent or in the phenolic ring to any extent;

(G) Benzoylindoles, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;

(H) Adamantoylindoles, whether or not substituted in the indole ring to any extent or in the adamantoyl ring system to any extent;

(I) Tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, except where contained in cannabis or cannabis resin;

(J) 3-Cyclopropylmethanone indole or 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent;

(K) Quinolinyl ester indoles, being any compound structurally derived from 1H-indole-3carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;

(L) 3-carboxamide-1H-indazoles, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxamide nitrogen and

3-carboxamide-1H-indoles, whether or not substituted in the indole ring to any extent and substituted to any degree on the carboxamide nitrogen;

(M) Cycloalkanemethanone Indoles, whether or not substituted at the nitrogen atom on the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cycloalkane ring to any extent * * *;

(56) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, also known as NM2201 or CBL2201;

(57) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide, also known as 5F-CUMYL-P7AICA;

(58) 1-(4-methoxyphenyl)-N-methylpropan-2-amine, also known as para-methoxymethamphetamine or PMMA.

(e) **Depressants**. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Clonazolam, 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine;

(2) Flualprazolam, 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine;

(3) Flubromazepam, 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one;

(4) Flubromazolam, 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepin;

(5) Gamma-hydroxybutyric acid (other names include: GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(6) Mecloqualone;

(7) Methaqualone.

(f) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following central nervous system stimulants including optical salts, isomers and salts of isomers unless specifically excepted or unless listed in another schedule:

(1) Aminorex;

(2) N-benzylpiperazine (also known as BZP and 1-benzylpiperazine);

(3) Cathinone;

(4) Fenethylline;

(5) Methcathinone;

(6) 4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline);

(7) N-ethylamphetamine;

(8) Any material, compound, mixture or preparation which contains any quantity of N,N-dimethylamphetamine. (Other names include: N,N,-alpha-trimethyl-benzeneethanamine and N,N-alpha-trimethylphenethylamine);

(9) **Synthetic cathinones.** (A) Unless listed in another schedule, any compound other than bupropion that is structurally derived from 2-Amino-1-phenyl-1-propanone by modification in any of the following ways:

(i) By substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) By substitution at the 3-position with an alkyl substituent;

(iii) By substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

(B) The compounds covered in this paragraph (9) include, but are not limited to, any material, compound, mixture or preparation which contains any quantity of a synthetic cathinone found in any of the following compounds, whether or not substituted to any extent, or any of these compounds which contain

any synthetic cathinone, or salts, isomers, or salts of isomers, whenever the existence of such salts, isomers or salts of isomers is possible, unless specifically excepted or listed in another schedule:

(i) 4-methyl-N-ethylcathinone ("4-MEC");

(ii) 4-methyl-alpha-pyrrolidinopropiophenone ("4-MePPP");

(iii) Alpha-pyrrolidinopentiophenone ("α-PVP");

(iv) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");

(v) 2-(methylamino)-1-phenylpentan-1-one ("pentedrone");

(vi) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylone");

(vii) 4-fluoro-N-methylcathinone ("4-FMC");

(viii) 3-fluoro-N-methylcathinone ("3-FMC");

(ix) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");

(x) Alpha-pyrrolidinobutiophenone ("α-PBP"); and

(xi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).

SECTION 2. Section 41-29-115, Mississippi Code of 1972, is amended as follows:

41-29-115. (a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

SCHEDULE II

(b) **Substances, vegetable origin or chemical synthesis.** Unless specifically excepted or unless listed in other schedules, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone and naltrexone, but including the following:

(i) Codeine;

(ii) Dihydroetorphine;

(iii) Ethylmorphine;

(iv) Etorphine hydrochloride;

(v) Granulated opium;

(vi) Hydrocodone, whether alone or in combination with any material, compound, mixture or preparation;

(vii) Hydromorphone;

(viii) Metopon;

(ix) Morphine;

(x) Opium extracts;

(xi) Opium fluid extracts;

(xii) Oripavine;

(xiii) Oxycodone;

(xiv) Oxymorphone;

(xv) Powdered opium;

(xvi) Raw opium;

(xvii) Thebaine;

(xviii) Tincture of opium;

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of cocaine or coca leaves, including cocaine and ecgonine and any salt, compound, derivative, isomer, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including:

(i) Decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; or

(ii) Ioflupane;

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

(c) **Opiates.** Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specified chemical designation, dextrorphan and levopropoxyphene excepted:

(1) Alfentanil;

(2) Alphaprodine;

(3) Anileridine;

(4) Bezitramide;

(5) Bulk dextropropoxyphene (nondosage forms);

(6) Carfentanil;

(7) Dihydrocodeine;

(8) Diphenoxylate;

(9) Fentanyl;

(10) Isomethadone;

(11) Levo-alphacetylmethadol (levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);

(12) Levomethorphan;

(13) Levorphanol;

(14) Metazocine;

(15) Methadone;

(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;

(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

(18) Oliceridine (N-[(3-methoxythiophen-2-yl)methyl]({2-[(9R)-9-(pyridin-2-yl)-6-oxaspiro[4.5]decan-9-yl]ethyl})amine);

(* * *19) Pethidine (meperidine);

(* * *20) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(* * *21) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(* * *22) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(* * *23) Phenazocine;

(* * *24) Piminodine;

(* * *25) Racemethorphan;

(* * *26) Racemorphan;

(* * *27) Remifentanil;

(* * *28) Sufentanil;

(* * *29) Tapentadol;

(* * *30) Thiafentanil, methyl 4-(2-methoxy-N-phenylacetamido)-1-(2-(thiophen-2-yl)ethyl) piperidine-4-carboxylate).

(d) **Stimulants.** Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Phenmetrazine and its salts;

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(4) Methylphenidate and its salts;

(5) Lisdexamfetamine, its salts, isomers and salts of isomers.

(e) **Depressants.** Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amobarbital;

(2) Secobarbital;

(3) Pentobarbital;

(4) Glutethimide.

(f) **Hallucinogenic substances.**

(1) Dronabinol oral solution [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)];

(2) Nabilone [other names include: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

(g) **Immediate precursors**. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amphetamine and methamphetamine immediate precursor: Phenylacetone (other names include: phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone);

(2) Phencyclidine immediate precursors:

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC);

(3) Fentanyl immediate precursor: 4-anilino-N-phenethyl-4-piperidine (ANPP).

(h) Any material, compound, mixture or preparation which contains any quantity of a Schedule II controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.24 or 1308.32, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 3. Section 41-29-119, Mississippi Code of 1972, is amended as follows:

41-29-119. (A) The controlled substances listed in this section are included in Schedule IV.

SCHEDULE IV

(a) **Narcotic drugs.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains limited quantities of the following narcotic drugs, or any salts thereof:

(1) Not more than one (1) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene, including its salts (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N, etc.);

(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

(b) **Depressants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Alfaxalone;

(2) Alprazolam;

(3) Barbital;

(4) Brexanolone;

(5) Bromazepam;

(6) Camazepam;

(7) Carisoprodol;

(8) Chloral betaine;

(9) Chloral hydrate;

(10) Chlordiazepoxide and its salts, but does not include chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and esterified estrogens;

(11) Clobazam;

(12) Clonazepam;

(13) Clorazepate;

(14) Clotiazepam;

(15) Cloxazolam;

(16) Delorazepam;

(17) Diazepam;

(18) Dichloralphenazone;

(19) Estazolam;

(20) Ethchlorvynol;

(21) Ethinamate;

(22) Ethyl loflazepate;

(23) Fludiazepam;

(24) Flunitrazepam;

(25) Flurazepam;

(26) Fospropofol;

(27) Halazepam;

(28) Haloxazolam;

(29) Ketazolam;

(30) Lemborexant;

(* * *31) Loprazolam;

(* * *32) Lorazepam;

(* * *33) Lormetazepam;

(* * *34) Mebutamate;

(* * *35) Medazepam;

(* * *36) Meprobamate;

(* * *37) Methohexital;

(* * *38) Methylphenobarbital;

(* * *39) Midazolam;

(* * *40) Nimetazepam;

(* * *41) Nitrazepam;

(* * *42) Nordiazepam;

(* * *43) Oxazepam;

(* * *44) Oxazolam;

(* * *45) Paraldehyde;

(* * *46) Petrichloral;

(* * *47) Phenobarbital;

(* * *48) Pinazepam;

(* * *49) Prazepam;

(* * *50) Quazepam;

(51) Remimazolam;

(* * *52) Suvorexant;

(* * *53) Temazepam;

(* * *54) Tetrazepam;

(* * *55) Triazolam;

(* * *56) Zaleplon;

(* * *57) Zolpidem;

(* * *58) Zopiclone.

(c) **Fenfluramine.**

(d) **Lorcaserin.** Any material, compound, mixture, or preparation which contains any quantity of Lorcaserin, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

(e) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Cathine ((+/-) Norpseudoephedrine);

(2) Diethylpropion;

(3) Fencamfamin;

(4) Fenproporex;

(5) Mazindol;

(6) Mefenorex;

(7) Modafinil;

(8) Pemoline (including any organometallic complexes and chelates thereof);

(9) Phentermine;

(10) Pipradrol;

(11) Sibutramine;

(12) Solriamfetol;

(13) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(f) **Other substances.**

(1) Pentazocine;

(2) Butorphanol (including its optical isomers);

(3) Eluxadoline (5-[[[(2*S*)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1*S*)-1-(4-phenyl-1*H*-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid); (including its optical isomers) and its salts, isomers, and salts of isomers.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule IV controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 4. Section 41-29-121, Mississippi Code of 1972, is amended as follows:

41-29-121.

SCHEDULE V

(a) Schedule V consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. [Reserved]

(c) **Narcotic drugs containing nonnarcotic active medicinal ingredients.** Any compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the

free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

(2) Not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

(3) Not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

(4) Not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulphate per dosage unit;

(5) Not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams;

(6) Not more than five-tenths (0.5) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit.

(d) **Stimulants.** Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation

which contains any quantity of the following substance, including its salts, isomers and salts of isomers: Pyrovalerone.

(e) **Depressants.** Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers:

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact);

(2) Cenobamate ([(1R)-1-2-chlorophenyl)-2-tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl) -2-(2H-tetrazol-2-yl)ethyl ester);

(* * *3) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];

(* * *4) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

(5) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide];

(* * *6) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

(f) Any material, compound, mixture or preparation which contains any quantity of a Schedule V controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 5. Section 41-29-137, Mississippi Code of 1972, as amended by Senate Bill No. 2095, 2022 Regular Session, is amended as follows:

41-29-137. (a) (1) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, as set out in Section 41-29-115, may be dispensed without the written valid prescription of a practitioner. A practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

(2) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon the oral valid prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 41-29-133. No prescription for a Schedule II substance may be refilled unless renewed by prescription issued by a licensed medical doctor.

(b) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance

included in Schedule III or IV, as set out in Sections 41-29-117 and 41-29-119, shall not be dispensed without a written or oral valid prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(c) A controlled substance included in Schedule V, as set out in Section 41-29-121, shall not be distributed or dispensed other than for a medical purpose.

(d) An optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165 shall * * * have the prescriptive authority granted in Section 73-19-157.

(e) Administration by injection of any pharmaceutical product authorized in this section is expressly prohibited except when dispensed directly by a practitioner other than a pharmacy.

(f) (1) For the purposes of this article, Title 73, Chapter 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it pertains to prescriptions for controlled substances, a "valid prescription" means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by:

(A) A practitioner who has conducted at least one (1) in-person medical evaluation of the patient, except as otherwise authorized by Section 41-29-137.1; or

(B) A covering practitioner.

(2) (A) "In-person medical evaluation" means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

(B) "Covering practitioner" means a practitioner who conducts a medical evaluation other than an in-person medical evaluation at the request of a practitioner who has conducted at least one (1) in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine within the previous twenty-four (24) months and who is temporarily unavailable to conduct the evaluation of the patient.

(3) A prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire is not a valid prescription.

(4) Nothing in this subsection (f) shall apply to:

(A) A prescription issued by a practitioner engaged in the practice of telemedicine as authorized under state or federal law; or

(B) The dispensing or selling of a controlled substance pursuant to practices as determined by the United States Attorney General by regulation.

(g) This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 6. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 252

Description: PERS; increase maximum percentage of investments of system that are in certain types of investments.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/04	(H) Referred To Appropriations
2	01/25	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Finance
6	02/24	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 025-0011-0121

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Finance

Principal Author: Oliver
Additional Authors: Hale

Title: AN ACT TO AMEND SECTION 25-11-121, MISSISSIPPI CODE OF 1972, TO INCREASE FROM 10% TO 20% THE MAXIMUM PERCENTAGE OF INVESTMENTS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM THAT ARE IN THE FORM OF A SEPARATE ACCOUNT MANAGED BY A SECURITIES AND EXCHANGE COMMISSION REGISTERED INVESTMENT ADVISORY FIRM RETAINED AS AN INVESTMENT MANAGER BY THE BOARD OF TRUSTEES OF THE SYSTEM OR A LIMITED PARTNERSHIP OR COMMINGLED FUND APPROVED BY THE BOARD OF TRUSTEES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Oliver, Hale To: Appropriations

HOUSE BILL NO. 252

AN ACT TO AMEND SECTION 25-11-121, MISSISSIPPI CODE OF 1972, TO INCREASE FROM 10% TO 20% THE MAXIMUM PERCENTAGE OF INVESTMENTS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM THAT ARE IN THE FORM OF A SEPARATE ACCOUNT MANAGED BY A SECURITIES AND EXCHANGE COMMISSION REGISTERED INVESTMENT ADVISORY FIRM RETAINED AS AN INVESTMENT MANAGER BY THE BOARD OF TRUSTEES OF THE SYSTEM OR A LIMITED PARTNERSHIP OR COMMINGLED FUND APPROVED BY THE BOARD OF TRUSTEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-11-121, Mississippi Code of 1972, is amended as follows:

25-11-121. (1) The board shall, from time to time, determine the current requirements for benefit payments and administrative expense which shall be maintained as a cash working balance, except that such cash working balance shall not exceed at any time an amount necessary to meet the current obligations of the system for a period of ninety (90) days. Any amounts in excess of such cash working balance shall be invested, as follows:

(a) Funds may be deposited in any institution insured by the Federal Deposit Insurance Corporation that maintains a

facility that takes deposits in the State of Mississippi or a custodial bank;

(b) Corporate bonds and taxable municipal bonds; or corporate short-term obligations of corporations or of wholly owned subsidiaries of corporations, whose short-term obligations are rated A-2 or better by Standard and Poor's, rated P-2 or better by Moody's Investment Service, F-2 or better by Fitch Ratings, Ltd., or the equivalent of these ratings if assigned by another United States Securities and Exchange Commission designated Nationally Recognized Statistical Rating Organization;

(c) Agency and nonagency residential and commercial mortgage-backed securities and collateralized mortgage obligations;

(d) Asset-backed securities;

(e) Bank loans;

(f) Convertible bonds;

(g) Bonds of the Tennessee Valley Authority;

(h) Bonds, notes, certificates and other valid obligations of the United States, and other valid obligations of any federal instrumentality that issues securities under authority of an act of Congress and are exempt from registration with the Securities and Exchange Commission;

(i) Bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States;

(j) Interest-bearing revenue bonds or notes or bonds or notes which are general obligations of any state in the United States or of any city or county therein;

(k) Bonds of established non-United States companies and foreign government securities. The board may take requisite action to effectuate or hedge transactions or invest in currency through foreign or domestic banks, including the purchase and sale, transfer, exchange, or otherwise disposal of, and generally deal in foreign exchange through the use of foreign currency, interbank forward contracts, futures contracts, options contracts, swaps and other related derivative instruments, notwithstanding any other provisions of this article to the contrary;

(l) Shares of stocks, common and/or preferred, of corporations created by or existing under the laws of the United States or any state, district or territory thereof and shares of stocks, common and/or preferred, and convertible securities of non-United States companies; provided:

(i) The maximum investments in stocks shall not exceed eighty percent (80%) of the total book value of the total investment fund of the system;

(ii) The stock of such corporation shall:

1. Be listed on a national stock exchange; or

2. Be traded in the over-the-counter market;

(iii) The outstanding shares of such corporation shall have a total market value of not less than Fifty Million Dollars ($50,000,000.00);

(iv) The amount of investment in any one (1) corporation shall not exceed three percent (3%) of the book value of the assets of the system;

(v) The shares of any one (1) corporation owned by the system shall not exceed five percent (5%) of that corporation's outstanding stock.

The board may take requisite action utilizing foreign currency as an investment vehicle, or to effectuate or hedge transactions for shares of stocks and convertible securities of non-United States companies through foreign or domestic banks, including the purchase and sale, transfer, exchange, or otherwise disposal of, and generally deal in foreign exchange through the use of foreign currency, interbank forward contracts, futures contracts, options contracts, swaps and other related derivative instruments, notwithstanding any other provisions of this article to the contrary;

(m) Covered call and put options on securities or indices traded on one or more of the regulated exchanges;

(n) Pooled or commingled funds managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of trustees, and shares of investment companies and unit

investment trusts registered under the Investment Company Act of 1940, where such pooled or commingled funds or shares are comprised of common or preferred stocks, bonds, money market instruments or other investments authorized under this section. Such investment in commingled funds or shares shall be held in trust; provided that the total book value of investments under this paragraph shall at no time exceed five percent (5%) of the total book value of all investments of the system. Any investment manager approved by the board of trustees shall invest such commingled funds or shares as a fiduciary;

(o) Pooled or commingled real estate funds or real estate securities managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of trustees. Such investment in commingled funds or shares shall be held in trust; provided that the total book value of investments under this paragraph shall at no time exceed ten percent (10%) of the total book value of all investments of the system. Any investment manager approved by the board of trustees shall invest such commingled funds or shares as a fiduciary. The ten percent (10%) limitation in this paragraph shall not be subject to the five percent (5%) limitation in paragraph (n) of this subsection;

(p) Types of investments not specifically authorized by this subsection if the investments are in the form of a separate account managed by a Securities and Exchange Commission registered

investment advisory firm retained as an investment manager by the board; or a limited partnership or commingled fund approved by the board; provided that the total book value of investments under this paragraph shall at no time exceed * * * twenty percent (20%) of the total book value of all investments of the system. Any person or entity who exercises any discretionary authority or discretionary control respecting management of the separate account, limited partnership or commingled fund, or who exercises any authority or control respecting management or disposition of the assets of the separate account, limited partnership or commingled fund, shall exercise such authority or control as a fiduciary.

(2) All investments shall be acquired at prices not exceeding the prevailing market values for such investments.

(3) Any limitations herein set forth shall be applicable only at the time of purchase and shall not require the liquidation of any investment at any time. All investments shall be clearly marked to indicate ownership by the system and to the extent possible shall be registered in the name of the system.

(4) Subject to the above terms, conditions, limitations and restrictions, the board shall have power to sell, assign, transfer and dispose of any of the securities and investments of the system, provided that said sale, assignment or transfer has the majority approval of the entire board. The board may employ or contract with investment managers, evaluation services or other

such services as determined by the board to be necessary for the effective and efficient operation of the system.

(5) Except as otherwise provided herein, no trustee and no employee of the board shall have any direct or indirect interest in the income, gains or profits of any investment made by the board, nor shall any such person receive any pay or emolument for his services in connection with any investment made by the board. No trustee or employee of the board shall become an endorser or surety, or in any manner an obligor for money loaned by or borrowed from the system.

(6) All interest derived from investments and any gains from the sale or exchange of investments shall be credited by the board to the account of the system.

(7) The board of trustees shall credit regular interest to the annuity savings account monthly. Regular interest shall mean such per centum rate to be compounded annually as set by the board of trustees through regulation.

(8) The board of trustees shall be the custodian of the funds of the system. All retirement allowance payrolls shall be certified by the executive director who shall furnish the board a surety bond in a company authorized to do business in Mississippi in such an amount as shall be required by the board, the premium to be paid by the board from the expense account.

(9) For the purpose of meeting disbursements for retirement allowances, annuities and other payments, cash may be kept

available, not exceeding the requirements of the system for a period of ninety (90) days, on deposit in one or more banks or trust companies organized under the laws of the State of Mississippi or the laws of the United States, provided that the sum on deposit in any one (1) bank or trust company shall not exceed thirty-five percent (35%) of the paid-up capital and regular surplus of such bank or trust company.

(10) The board, the executive director and employees shall discharge their duties with respect to the investments of the system solely for the interest of the system with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent investor acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, including diversifying the investments of the system so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

(11) Documentary material or data made or received by the system which consists of trade secrets or commercial or financial information that relates to the investments of the system shall be exempt from the Mississippi Public Records Act of 1983 if the disclosure of the material or data is likely to impair the system's ability to obtain such information in the future, or is likely to cause substantial harm to the competitive position of the person or entity from whom the information was obtained.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 365

Description: MS Rural Hospital Loan Program; establish in State Department of Health.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/05	(H)	Referred To Public Health and Human Services
2	01/25	(H)	Title Suff Do Pass Comm Sub
3	02/03	(H)	Committee Substitute Adopted
4	02/03	(H)	Passed {Vote}
5	02/04	(H)	Transmitted To Senate
6	02/11	(S)	Referred To Public Health and Welfare; Appropriations
7	02/23	(S)	DR - TSDP: PH To AP
8	03/01	(S)	Title Suff Do Pass
9	03/07	(S)	Passed {Vote}
10	03/08	(S)	Returned For Enrolling
11	03/09	(H)	Enrolled Bill Signed
12	03/10	(S)	Enrolled Bill Signed
13	03/16		Approved by Governor

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare, Appropriations

Principal Author: Mims

Title: AN ACT TO ESTABLISH THE MISSISSIPPI RURAL HOSPITAL LOAN PROGRAM IN THE STATE DEPARTMENT OF HEALTH TO PROVIDE LOANS TO RURAL HOSPITALS TO ASSIST THE HOSPITALS IN PROVIDING NEEDED DIRECT HEALTH CARE SERVICES; TO CREATE A SPECIAL FUND TO BE KNOWN AS THE RURAL HOSPITAL OPERATIONS AND FACILITIES REVOLVING LOAN FUND, WHICH SHALL BE ADMINISTERED BY THE DEPARTMENT AND EXPENDED FOR THE SOLE PURPOSE OF PROVIDING LOANS TO RURAL HOSPITALS UNDER THE PROVISIONS OF THIS ACT; TO

PROVIDE THAT THE DEPARTMENT SHALL DETERMINE THE TERMS AND CONDITIONS OF EACH LOAN, AND TO SPECIFY CERTAIN REQUIREMENTS AND CONDITIONS FOR THE LOANS; TO REQUIRE THE DEPARTMENT TO MAKE ANNUAL REPORTS TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ABOUT EACH OUTSTANDING LOAN ISSUED; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 365

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Mims

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 365

AN ACT TO ESTABLISH THE MISSISSIPPI RURAL HOSPITAL LOAN PROGRAM IN THE STATE DEPARTMENT OF HEALTH TO PROVIDE LOANS TO RURAL HOSPITALS TO ASSIST THE HOSPITALS IN PROVIDING NEEDED DIRECT HEALTH CARE SERVICES; TO CREATE A SPECIAL FUND TO BE KNOWN AS THE RURAL HOSPITAL OPERATIONS AND FACILITIES REVOLVING LOAN FUND, WHICH SHALL BE ADMINISTERED BY THE DEPARTMENT AND EXPENDED FOR THE SOLE PURPOSE OF PROVIDING LOANS TO RURAL HOSPITALS UNDER THE PROVISIONS OF THIS ACT; TO PROVIDE THAT THE DEPARTMENT SHALL DETERMINE THE TERMS AND CONDITIONS OF EACH LOAN, AND TO SPECIFY CERTAIN REQUIREMENTS AND CONDITIONS FOR THE LOANS; TO REQUIRE THE DEPARTMENT TO MAKE ANNUAL REPORTS TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ABOUT EACH OUTSTANDING LOAN ISSUED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, the following terms shall have the meanings as defined in this subsection:

(a) "Department" means the State Department of Health; and

(b) "Rural hospital" means a licensed Mississippi hospital that has fifty (50) or fewer licensed general acute, nonspecialty beds.

(2) The Mississippi Rural Hospital Loan Program is established in the State Department of Health to provide loans to

rural hospitals to assist the hospitals in providing needed direct health care services for the citizens of the state by:

(i) Maintaining or upgrading the rural hospital's facilities;

(ii) Maintaining or increasing the current staff of the rural hospital; or

(iii) Providing health care services that are not currently available to citizens.

(3) There is created in the State Treasury a special fund to be known as the Rural Hospital Operations and Facilities Revolving Loan Fund, which shall be administered by the department. The fund shall consist of legislative appropriations, federal funds, contributions, donations, gifts and monies from any other source that are made available for deposit into the fund. Monies in the fund shall be expended by the department upon appropriation of the Legislature for the sole purpose of providing loans to rural hospitals under the provisions of this section. Monies remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned from the investment of monies in the fund shall be deposited to the credit of the fund.

(4) The department shall determine the terms and conditions of each loan, including the repayment of the loan to be deposited back in the revolving loan fund for issuance of future loans to other rural hospitals, which shall be subject to the following provisions:

(a) To be eligible for a loan, a rural hospital must first submit to the department a current financial audit showing that the hospital is in good financial condition;

(b) To qualify for a loan, a rural hospital must request funds for one or more of the purposes specified in subsection (2) of this section, and a loan received by a rural hospital shall be used only for the requested purpose or purposes;

(c) The amount of a loan shall be not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00) per rural hospital facility;

(d) An application fee of One Thousand Dollars ($1,000.00) shall be required from the rural hospital at the time of submission of the application;

(e) Security or collateral for a loan shall be required by the rural hospital;

(f) The term of a loan shall not exceed twenty (20) years, subject to the life of the collateral for the loan;

(g) The rate of interest on a loan shall be fixed and equal to one percent (1%) per annum;

(h) A loan may not be used to pay costs incurred before approval of the loan by the department, and a loan may not be refinanced;

(i) One hundred percent (100%) of the project costs must be incurred by the rural hospital within one (1) year of approval of the loan by the department; and

(j) A rural hospital receiving a loan must maintain at least eighty-five percent (85%) of its full-time employees on the date of approval of the loan annually throughout the term of the loan agreement. For the purposes of this subparagraph (i), a "full-time employee" means a person employed by the rural hospital for a minimum of thirty-five (35) hours per week, and does not include temporary workers, temp-to-hire workers, part-time workers or traveling medical professionals.

(5) The department shall monitor the performance of each rural hospital that receives a loan under this section, and not later than October 1, 2022, and each October 1 thereafter, the department shall report to the Joint Legislative Budget Committee about each outstanding loan issued, including:

(a) The name and location of the rural hospital;

(b) The amount of principal originally loaned;

(c) The terms of the loan and whether the rural hospital is currently meeting those terms; and

(d) How the rural hospital used the loan related to facilities, staff or additional services.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 384

Description: Mississippi Congressional district; reapportion.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/05	(H) Referred To Rules
2	01/05	(H) Title Suff Do Pass
3	01/06	(H) Passed {Vote}
4	01/07	(H) Motion to Reconsider Entered (Johnson, Roberson, Currie)
5	01/10	(H) Motion to Reconsider Tabled
6	01/10	(H) Transmitted To Senate
7	01/10	(S) Referred To Rules
8	01/11	(S) Title Suff Do Pass
9	01/12	(S) Amendment Failed
10	01/12	(S) Passed {Vote}
11	01/13	(S) Returned For Enrolling
12	01/14	(H) Enrolled Bill Signed
13	01/17	(S) Enrolled Bill Signed
14	01/24	Approved by Governor

Amendments:

[H] Amendment No 1Lost {Vote}
[S] Amendment No 1Lost{Vote}
[S] Amendment No 2Lost{Vote}

Code Section: A 023-0015-1037

----- Additional Information -----

House Committee: Rules
Senate Committee: Rules

Principal Author: Beckett

Title: AN ACT TO AMEND SECTION 23-15-1037, MISSISSIPPI CODE OF 1972, TO REAPPORTION THE CONGRESSIONAL DISTRICTS OF MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Beckett To: Rules

HOUSE BILL NO. 384

AN ACT TO AMEND SECTION 23-15-1037, MISSISSIPPI CODE OF 1972, TO REAPPORTION THE CONGRESSIONAL DISTRICTS OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-1037, Mississippi Code of 1972, is amended as follows:

23-15-1037. (1) The State of Mississippi is hereby divided into * * * four (4) congressional districts below:

FIRST DISTRICT. — The First Congressional District shall be composed of the following counties and portions of counties:

Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster * * *; * * * in Oktibbeha County, the precincts of Self Creek/Double Springs, Maben and *Sturgis/North Bradley * * *.

SECOND DISTRICT. — The Second Congressional District shall be composed of the following counties and portions of counties:

Adams, Amite, Attala, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Franklin, Grenada, Holmes, Humphreys, Issaquena, Jefferson, Leake, Leflore, Montgomery, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, Yalobusha, Yazoo; * * * in Hinds County Precincts 1, 2, 4, 6, 10, 11, 12, 13, *16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 38, 39, 40, 41, 42, 43, 45, *46, 47, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84 * * *, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and the precincts of Bolton, Brownsville, Byram 1, Byram 2, Byram 3, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3, Clinton 4, Clinton 5, Clinton 6, Clinton 7, Cynthia, Dry Grove, Edwards, Learned, Old Byram, Pine Haven, Pocahontas, Raymond 1, Raymond 2, Spring Ridge, St. Thomas, Terry 1, Terry 2, Tinnin, Utica 1 and Utica 2; * * * in Madison County the precincts of * * * Anderson Lodge, * * * Camden, Cameron, Canton Bible Church, Canton Catholic Parish Center, Canton Community Center, Canton Fire Station #4, *Canton National Guard Armory, Canton South Liberty, Canton St. Paul Methodist, Cedar Grove, *Colonial Heights, Couparle, Farmhaven Fire Station, Greater Mt. Levi Church, Madison County Baptist Family Life Center, Magnolia Heights, * * * Mount Hope, Pleasant Gift Church, Pleasant Green, Tougaloo * * *.

THIRD DISTRICT. — The Third Congressional District shall be composed of the following counties and portions of counties:

Clarke, Covington, * * * Jasper, Jefferson Davis, Kemper, Lauderdale, * * * Lawrence, Lincoln, Marion, Neshoba, Newton, Noxubee, * * * Pike, Rankin, Scott, Simpson, Smith, Walthall, Winston; * * * in Hinds County the precincts of 8, 9, 14, *16, 17, 32, 33, 34, 35, 36, 44, *46 and 78; in Jones County the precincts of * * * Matthews, Shady Grove, Sharon, * * * and Sandersville Civic Center * * *; * * * in Madison County * * * the precincts of First Presbyterian, *Canton National Guard Armory, China Grove, *Colonial Heights, Fellowship Baptist Church, Ferns Chapel Freewill, First Baptist, Franklin Bible Church, Gluckstadt, Grace Crossing, Highland Colony Baptist Church, Lake Caroline Clubhouse, Mark Apartments, New Life, NorthBay, Parkway Church, Ridgeland First Methodist Church, Ridgeland Recreational Center, SunnyBrook, Trace Ridge, Twin Lakes Baptist, Vertical Church, Victory Baptist Church and Victory Christian; * * * in Oktibbeha County * * * the precincts of Bell Schoolhouse, Center Grove/North Adaton, Central Starkville, Craig Springs/South Bradley, East Starkville, Hickory Grove/Southeast Oktibbeha, Needmore Voting District, North Longview, North Starkville 2, North Starkville 3, Oktoc, Osborn, Sessums, South Adaton, South Longview, South Starkville, *Sturgis/North Bradley and West Starkville * * *.

FOURTH DISTRICT. — The Fourth Congressional District shall be composed of the following counties and portions of counties:

* * * Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, Stone, Wayne; * * * in Jones

County * * * the precincts of Antioch, Blackwell, Bruce, Calhoun, Centerville, County Barn, Currie, Erata, G.V. Harrison Multipurpose Building, Gitano, Glade School, Hebron, Johnson, Landrum Community Center, Lt. Ellis Center, Magnolia Center, Mauldin Community Center, Moselle, Myrick, North Laurel, Oak Park School, Ovett, Parkview Baptist Church, Pinegrove, Pleasant Ridge, Powers Community Center, Rainey, Rustin, Sandhill, Shelton, Soso, Tuckers, Union and West Ellisville.

* * *

(2) The boundaries of the congressional districts described in subsection (1) of this section shall be the boundaries of the counties * * * along such congressional district boundaries as the boundaries of such counties existed on January 1, 2022, and the precinct boundaries along such congressional district boundaries as such precinct boundaries are contained in Census Bureau's P.L. 94-171 geographic support products provided for use with the September 16th data deliveries officially called the "2020 Census State Redistricting Data (Public Law 94-171) Summary Files."

SECTION 2. Partial or split precincts contained in Section 1 are identified in Section 1 by an asterisk (*) which shall precede its designation within the description of a district. The Chair and Vice Chair of the Standing Joint Congressional Redistricting Committee shall file with the Secretary of State the Split Precinct Block List developed in conjunction with the plan contained in this House Bill No. 384, 2022 Regular Session, that

details the portions of the partial or split precincts that are contained within a district by census block number, and such document duly filed with the Secretary of State is hereby incorporated into and shall be construed to be an integral part of this House Bill No. 384, 2022 Regular Session.

SECTION 3. (1) This act shall be liberally construed to effectuate the purposes thereof and to redistrict the Congressional Districts of this state in compliance with constitutional requirements. It is the intent of the Legislature that this act, and the districts described herein, completely encompass all the area within the state. It is also intended that such districts contain all the inhabitants in this state. It is further intended that the redistricting provided for in this House Bill No. 384, 2022 Regular Session, results in the creation of districts which are as close to equal in population as practicable. It is also intended that no district shall include any of the area included within the description of any other district.

(2) If the districts described in Section 1 do not carry out the purposes thereof, because of unintentional omissions; duplications; overlapping areas; erroneous nomenclature; lack of adequate maps or descriptions of political subdivisions, wards or other divisions thereof, or of their boundary lines, then the Secretary of State, at the request of the Chair or Vice Chair of the Standing Joint Congressional Redistricting Committee shall, by

order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this House Bill No. 384, 2022 Regular Session.

(3) In promulgating such orders, the Secretary of State, in addition to achieving equality in the population of districts and ensuring that all areas of the state are completely and accurately encompassed in such districts, shall be guided by the following standards:

(a) In any instance in which there is a conflict between the description of a district as set out in this House Bill No. 384, 2022 Regular Session, and the map of the Congressional Districts developed by the Standing Joint Congressional Redistricting Committee in conjunction with the adopted redistricting plan, the map shall control; however, in instances in which the map is inconclusive, the criteria set out in paragraphs (b) through (f) shall control House Bill No. 384, 2022 Regular Session, and any dispute or issue regarding the composition of any Congressional District;

(b) Gaps in the description of any district shall be completed in a manner which results in a total description of that district in a manner which is consonant with the description of adjacent districts and results in complete contiguity of districts;

(c) Areas of the state included within the descriptions of more than one (1) district shall be allocated to the district having the lowest population;

(d) Areas of the state not included within the descriptions of any district shall be allocated to the adjacent district having the lowest population;

(e) In the event that the area subject to corrected description or allocation as provided in paragraphs (b), (c) and (d) of this subsection is of such size or contains such population that its inclusion as a unit in any district would result in substantial disparity in the size, shape or population of such district, then the Secretary of State may allocate portions of such area to two (2) or more districts; and

(f) In any allocation of area or correction of descriptions made pursuant to this House Bill No. 384, 2022 Regular Session, the Secretary of State shall, consistent with the foregoing standards, preserve the contiguity and compactness of districts and avoid the unnecessary division of political subdivisions.

(4) Copies of such orders shall be filed by the Secretary of State in his or her own office and in the offices of the affected election commissioners and registrars. The Secretary of State may adopt reasonable rules regulating the procedure for applications for orders under this House Bill No. 384, 2022 Regular Session, in the manner of serving and filing any notice or copy of orders

relating thereto. Upon the filing of such an order, the description of any affected district shall be deemed to have been corrected in the manner provided in such order to the full extent as if such correction had been contained in the original description set forth in this House Bill No. 384, 2022 Regular Session.

SECTION 4. The Standing Joint Congressional Redistricting Committee is directed to provide all information necessary to assist the counties in identifying the boundaries of the districts described in Section 1.

SECTION 5. The redistricting contained in Section 1 shall supersede any prior redistricting, and any prior redistricting shall be null and void upon the date this House Bill No. 384, 2022 Regular Session, is effectuated.

SECTION 6. If any paragraph, sentence, clause, phrase or any part of this bill is declared to be unconstitutional or void or if for any reason is declared to be invalid or of no effect, the remaining paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 7. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 424

Description: Audiology and speech-language pathology interstate compact; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/05	(H) Referred To Public Health and Human Services
2	01/25	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/04	(H) Transmitted To Senate
6	02/15	(S) Referred To Public Health and Welfare
7	03/01	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/15	(H) Concurred in Amend From Senate {Vote}
12	03/16	(H) Enrolled Bill Signed
13	03/16	(S) Enrolled Bill Signed
14	03/23	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 424

Code Section: A 073-0038-0003, A 073-0038-0005, A 073-0038-0007, A 073-0038-0009, BF 073-0038-0013, A 073-0038-0017, A 073-0038-0025, A 073-0038-0027, A 073-0038-0029, A 073-0038-0031, BF 073-0038-0033

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Mims

Title: AN ACT TO ENACT INTO LAW THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-38-3, 73-38-5, 73-38-7, 73-38-9, 73-38-17, 73-38-25, 73-38-27, 73-38-29 AND 73-38-31, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 73-38-33 AND 73-38-13, MISSISSIPPI CODE OF 1972, FOR POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 424
(As Sent to Governor)

AN ACT TO ENACT INTO LAW THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-38-3, 73-38-5, 73-38-7, 73-38-9, 73-38-17, 73-38-25, 73-38-27, 73-38-29 AND 73-38-31, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 73-38-33 AND 73-38-13, MISSISSIPPI CODE OF 1972, FOR POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Audiology and Speech-Language Pathology Interstate Compact is enacted into law and entered into by this state with any and all states legally joining in the Compact in accordance with its terms, in the form substantially as follows:

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

SECTION 1.

PURPOSE

The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is

located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

4. Support spouses of relocating active duty military personnel;

5. Enhance the exchange of licensure, investigative and disciplinary information between member states;

6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

SECTION 2.

DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 USC Chapters 1209 and 1211.

2. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

3. "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

4. "Audiologist" means an individual who is licensed by a state to practice audiology.

5. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

6. "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

7. "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

8. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

9. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

10. "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

11. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or

speech-language pathology by the licensee and the adverse action has been reported to the National Practitioners Data Bank (NPDB).

12. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

13. "Home state" means the member state that is the licensee's primary state of residence.

14. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

15. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

16. "Member state" means a state that has enacted the Compact.

17. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

18. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

19. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

20. "Single-state license" means an audiology or speech-language pathology license issued by a member state that

authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

21. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

22. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

23. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

24. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

25. "Telehealth" means the application of telecommunication, audio-visual or other technologies that meet the applicable standard of care to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or

speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state where the licensee obtains such a privilege.

B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

1. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

2. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or

is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. For an audiologist:

1. Must meet one (1) of the following educational requirements:

a. On or before December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. On or after January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States

Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the Commission;

3. Has successfully passed a national examination approved by the Commission;

4. Holds an active, unencumbered license;

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

6. Has a valid United States Social Security or National Practitioner Identification number.

F. For a speech-language pathologist:

1. Must meet one (1) of the following educational requirements:

a. Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state-licensing board-approved program;

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

3. Has completed a supervised postgraduate professional experience as required by the Commission;

4. Has successfully passed a national examination approved by the Commission;

5. Holds an active, unencumbered license;

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and

7. Has a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states must comply with the bylaws and rules and regulations of the Commission.

SECTION 4.

COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with Section 3 of this Compact;

4. Have not had any adverse action against any license or compact privilege within the previous two (2) years from date of application;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege; and

7. Report to the Commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one (1) home state license at a time.

C. Except as provided in Section 6 of this Compact, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state and the privilege to practice in any member state is deactivated in accordance with the rules promulgated by the Commission.

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection A of this section to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Two (2) years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection A of this section to obtain a compact privilege in any remote state.

L. Once the requirements of subsection J of this section have been met, the licensee must meet the requirements in subsection A of this section to obtain a compact privilege in a remote state.

SECTION 5.

COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 of this Compact and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.

B. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the state where the patient/client is located.

SECTION 6.

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual

shall only change their home state through application for licensure in the new state.

SECTION 7.

ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Only the home state shall have the power to take adverse action against a audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

E. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

F. Joint investigations.

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology

practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action against a licensee, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and any remote states in which the licensee has a privilege to practice of any adverse actions by the home state or remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8.

ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting and meetings.

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One (1) shall be an audiologist and one (1) shall be a speech-language pathologist.

2. An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state licensing board shall fill any vacancy occurring on the Commission, within ninety (90) days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Establish a Code of Ethics;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the Compact;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The Commission shall have no authority to change or modify the laws of the member states that define the practice of audiology and speech-language pathology in the respective states.

E. The Executive Committee.

The Executive Committee shall have the power to act on behalf of the Commission, within the powers of the Commission, according to the terms of this Compact:

1. The Executive Committee shall be composed of ten (10) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission;

b. Two (2) ex officio members, consisting of one (1) nonvoting member from a recognized national audiology professional association and one (1) nonvoting member from a recognized national speech-language pathology association; and

c. One (1) ex officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

F. The ex officio members shall be selected by their respective organizations.

1. The Commission may remove any member of the Executive Committee as provided in the bylaws.

2. The Executive Committee shall meet at least annually.

3. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any

Commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

4. Meetings of the Commission or the Executive Committee.

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10 of this Compact.

5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Noncompliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific

employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or

designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

7. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of meetings other than closed meetings shall be made available to members of the public upon request at the requesting person's expense. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

8. Financing of the Commission.

a. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for

which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

9. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

10. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment,

duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did

not result from the intentional or willful or wanton misconduct of that person.

SECTION 9.

DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege;

4. Nonconfidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for denial; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10.

RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available to any person upon request and at the requesting person's expense.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or member state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11.

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Dispute resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 12.

DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth (10th) member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13.

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14.

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing in this Compact prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

D. All agreements between the Commission and the member states are binding in accordance with their terms.

E. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 2. Section 73-38-3, Mississippi Code of 1972, is amended as follows:

73-38-3. The following definitions apply as used in this chapter, unless the context otherwise requires:

(a) "Board" means the Mississippi State Board of Health.

(b) "Council" means the Mississippi Council of Advisors in Speech-Language Pathology and Audiology as established in Section 73-38-11.

(c) "Person" means any individual, organization or corporate body, except that only an individual may be licensed under this chapter or hold the privilege to practice.

(d) "Speech-language pathologist" means an individual who practices speech-language pathology and who presents himself or herself to the public by any title or description of services incorporating the words "speech pathologist," "speech-language pathologist," "speech therapist," "speech correctionist," "speech clinician," "language pathologist," "language therapist," "logopedist," "communicologist," "voice therapist," "voice pathologist," or any similar title or description of services.

(e) "Speech-language pathology" means the application of principles, methods and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, voice, language, swallowing or feeding, or for the purpose of evaluating, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups of individuals.

(f) "Audiologist" means an individual who practices audiology and who presents himself or herself to the public by any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist," or any similar title or description of service.

(g) "Audiology" means the application of principles, methods and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation or rehabilitation related to disorders of hearing and balance for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups of individuals; and for the purpose of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid dispensing and evaluation, and auditory training, and speech reading.

(h) "Speech-language pathology aide" means an individual who meets minimum qualifications which the council may establish for speech-language pathology aides, which qualifications shall be less than those established by this chapter as necessary for licensure as a speech-language pathologist, and who works under the supervision of a licensed speech-language pathologist or a speech-language pathologist who holds the privilege to practice.

(i) "Audiology aide" means an individual who meets minimum qualifications which the council may establish for audiology aides, which qualifications shall be less than those established by this chapter as necessary for licensure as an audiologist, and who works under the supervision of a licensed audiologist or an audiologist who holds the privilege to practice.

(j) "ASHA" means the American Speech-Language-Hearing Association.

(k) "Privilege to practice" means the authorization to practice as a speech-language pathologist or audiologist in this state or work as a speech-language pathology aide or audiology aide in this state under the Audiology and Speech-Language Pathology Interstate Compact provided for in Section 1 of this act.

(l) "Licensee" means a person who has been issued a license to practice as a speech-language pathologist or audiologist in this state or work as a speech-language pathology aide or audiology aide in this state, or a person who holds the privilege to practice as a speech-language pathologist or audiologist in this state.

SECTION 3. Section 73-38-5, Mississippi Code of 1972, is amended as follows:

73-38-5. (1) Licensure or the privilege to practice shall be granted either in speech-language pathology or audiology independently. A person may be licensed or hold the privilege to practice in both areas if he or she meets the respective qualifications.

(2) No person shall practice or represent himself or herself as a speech-language pathologist or audiologist in this state unless he or she is licensed in accordance with the provisions of this chapter or holds the privilege to practice.

SECTION 4. Section 73-38-7, Mississippi Code of 1972, is amended as follows:

73-38-7. Nothing in this chapter shall be construed as preventing or restricting:

(a) A physician from engaging in the practice of medicine in this state, or a person using an audiometer to test hearing under the direct supervision of a licensed physician, provided such person does not present himself or herself to the public by any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist," or any similar title or description of services;

(b) Any person licensed as a hearing aid dispenser from measuring and testing hearing in relation to the fitting, usage and dispensing of hearing aids or rendering post fitting services to his or her clients or using any title provided in Sections 73-14-1 through 73-14-47;

(c) Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed;

(d) A person from being employed or working in a volunteer capacity without a license, as provided in this chapter, or without holding the privilege to practice, as a speech-language pathologist or audiologist by the government of the United States or by the governing authority of any school district or private or parochial school in this state, if such person performs

speech-language pathology or audiology services solely within the confines or under the jurisdiction of the organization by which he or she is employed, or working in a volunteer capacity; however, such person may, without obtaining a license under this chapter or holding the privilege to practice, consult with or disseminate his or her research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which he or she is employed; such person may also offer lectures to the public for a fee, monetary or other, without being licensed under this chapter or holding the privilege to practice; such person may additionally elect to be subject to this chapter;

(e) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology at a college or university if such activities and services constitute a part of the supervised course of study and that such person is designated speech-language pathology intern, speech-language pathology trainee, or by other such titles clearly indicating the training status appropriate to his or her level of training;

(f) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university if such activities and services constitute a part of a supervised course of study and such person is designated audiology intern, audiology trainee, or by any other such titles clearly

indicating the training status appropriate to his or her level of training;

(g) The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this chapter or does not hold the privilege to practice, if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this chapter or holding the privilege to practice, and if such person meets the qualifications and requirements for application for licensure described in subsections (a) through (c) of Section 73-38-9 or the requirements for holding the privilege to practice; however, a person not a resident of this state who is not licensed under this chapter or does not hold the privilege to practice, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by Section 73-38-9, or who is the holder of the ASHA Certificate of Clinical Competence in Speech-Language Pathology or Audiology or its equivalent, may offer speech-language pathology or audiology services in this state for no more than thirty (30) days in any calendar year if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this chapter or holding the privilege to practice; or

(h) Any person employed by a private industry or firm for the purpose of conducting hearing tests incident to the operations of such firm or industry relative to its employees and employment practices.

SECTION 5. Section 73-38-9, Mississippi Code of 1972, is amended as follows:

73-38-9. (1) To be eligible for licensure by the board as a speech-language pathologist or audiologist and to be eligible for registration as a speech-language pathology aide or audiology aide, a person shall:

(a) Be of good moral character;

(b) (1) For speech-language pathologists or audiologists, possess at least a master's degree or its equivalent in the area of speech-language pathology or audiology, as the case may be, from an educational institution recognized by the board;

(2) For speech-language pathology aide or audiology aide, the board shall set minimum educational standards which shall be less than a bachelor's degree;

(c) For speech-language pathologists and audiologists, submit evidence of the completion of the educational, clinical experience and employment requirements, which requirements shall be based on appropriate national standards and prescribed by the rules and regulations adopted pursuant to this chapter;

(d) For speech-language pathologists and audiologists licensure applicants, pass an examination approved by the board.

This examination may be taken either before or after the completion of the employment requirement specified pursuant to * * * paragraph (c) of this subsection;

(e) For speech-language pathology aides and audiology aides, no examination shall be required.

(2) To be eligible for the privilege to practice, applicants must meet the requirements set out in the Audiology and Speech-Language Pathology Interstate Compact.

SECTION 6. Section 73-38-13, Mississippi Code of 1972, is brought forward as follows:

73-38-13. (1) The board shall have full authority to investigate and evaluate each and every applicant applying for a license to practice speech-language pathology or a license to practice audiology with the advice of the council.

(2) The board shall have the authority to issue subpoenas, examine witnesses and administer oaths, and shall, at its discretion, investigate allegations or practices violating the provisions of this chapter.

(3) The board shall adopt such rules and regulations not inconsistent with the laws of this state as may be necessary to effectuate the provisions of this chapter and may amend or repeal the same as may be necessary for such purposes, with the advice of the council.

(4) The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general functions conferred by this section.

SECTION 7. Section 73-38-17, Mississippi Code of 1972, is amended as follows:

73-38-17. (1) The board shall issue licenses and privileges to practice and notices of renewal, revocation, suspension or reinstatement and shall publish annually the names of persons licensed under this chapter or holding the privilege to practice.

(2) The board shall publish and disseminate to all licensees, in an appropriate manner, the licensure standards prescribed by this chapter, any amendments thereto, and such rules and regulations as the board may adopt under the authority vested by Section 73-38-13 within sixty (60) days of their adoptions.

(3) The board shall administer the privilege to practice in accordance with the Audiology and Speech-Language Pathology Interstate Compact.

SECTION 8. Section 73-38-25, Mississippi Code of 1972, is amended as follows:

73-38-25. (1) The board shall issue a license to any person who meets the requirements of this chapter and who pays to the board the fees prescribed in Section 73-38-31. The board shall issue a privilege to practice to any person who meets the requirements of the Audiology and Speech-Language Pathology Interstate Compact.

(2) (a) An applicant who fulfills all the requirements for licensure except professional employment and/or examination may apply to the board for a temporary license.

(b) Upon receiving an application provided under * * * paragraph (a) of this subsection, the board shall issue a temporary license which entitles the applicant to practice speech-language pathology or audiology under the supervision of a licensee with licensure in the appropriate specialty while completing the requirements for licensure.

(c) No temporary license shall be issued by the board under this section unless the applicant shows to the satisfaction of the board that he or she is or will be supervised and trained by a person who holds a license in the appropriate specialty.

(d) The temporary license shall be effective for a period to be determined by the * * * board.

(3) (a) Each person licensed under this chapter or holding the privilege to practice who supervises a speech-language pathology or audiology aide shall register the same with the board.

(b) The licensee who supervises aides or temporary licensees is responsible for the services provided to the client by * * * the aides or temporary licensees and may suffer suspension, revocation or other appropriate penalty for failure to exercise his or her responsibilities in the supervision of aides or temporary licensees.

(c) Speech-language pathology and audiology aides shall pay to the board a registration fee as prescribed in Section 73-38-31, subsection (1).

SECTION 9. Section 73-38-27, Mississippi Code of 1972, is amended as follows:

73-38-27. (1) With regard to a refusal to issue a privilege to practice, such refusal by the board shall be in accordance with terms of the Audiology and Speech-Language Pathology Interstate Compact. The board may refuse to issue or renew a license, or may suspend or revoke a license where the licensee or applicant for a license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct may result from:

(a) Negligence in the practice or performance of professional services or activities;

(b) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities;

(c) Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same;

(d) Being convicted of any crime which has a substantial relationship to the licensee's activities and services

or an essential element of which is misstatement, fraud or dishonesty;

(e) Being convicted of any crime which is a felony under the laws of this state or the United States;

(f) Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established;

(g) Continued practice although the licensee has become unfit to practice as a speech-language pathologist or audiologist due to: (i) failure to keep abreast of current professional theory or practice; or (ii) physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or (iii) addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice;

(h) Having disciplinary action taken against the licensee's license in another state;

(i) Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin;

(j) Engaging in lewd conduct in connection with professional services or activities;

(k) Engaging in false or misleading advertising;

(l) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter;

(m) Violation of any probation requirements placed on a license by the board;

(n) Revealing confidential information except as may be required by law;

(o) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;

(p) Charging excessive or unreasonable fees or engaging in unreasonable collection practices;

(q) For treating or attempting to treat ailments or other health conditions of human beings other than by speech or audiology therapy as authorized by this chapter;

(r) For applying or offering to apply speech or audiology therapy, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of speech or audiology therapy, or for acting as a speech-language pathologist or audiologist, or speech-language pathologist or audiologist aide other than under the direct, on-site supervision of a licensed speech-language pathologist or audiologist;

(s) Violations of the current codes of conduct for speech-language pathologists or audiologists, and speech-language pathologist or audiologist assistants adopted by the American Speech-Language-Hearing Association;

(t) Violations of any rules or regulations promulgated pursuant to this chapter.

(2) The board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(3) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 10. Section 73-38-29, Mississippi Code of 1972, is amended as follows:

73-38-29. (1) Except as provided in Section 33-1-39, licenses issued under this chapter shall expire and become invalid at midnight of the expiration date. A person's privilege to practice in this state in accordance with this chapter shall be valid until the expiration date of that person's home state license.

(2) Every person licensed under this chapter or holding the privilege to practice shall, on or before the license or the privilege to practice expiration date, pay a fee for the biennial renewal of license or the privilege to practice, in accordance with the terms of the Compact, to the board. The board may suspend the license or the privilege to practice of any person who fails to have his or her license or privilege to practice renewed by the expiration date. After the expiration date, the board may renew a license or the privilege to practice upon payment of a fee to the board. No person who requests renewal of license or the privilege to practice, whose license or privilege to practice has expired, shall be required to submit to examination as a condition to renewal, if such renewal application is made within two (2) years from the date of such expiration.

(3) A suspended license or the privilege to practice is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license or the privilege to practice remains suspended and until it is reinstated, to engage in the licensed activity, or in

any other conduct or activity in violation of the order or judgment by which the license or privilege to practice was suspended.

(4) A license or the privilege to practice revoked on disciplinary grounds is subject to expiration as provided in subsection (1) of this section, but it may not be renewed. If such license or privilege to practice is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the fee for a license or the privilege to practice issued after the expiration date which is in effect on the last preceding regular renewal date before the date on which it is reinstated. The procedure for the reinstatement of a license that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

(5) Any person who fails to renew his or her license or privilege to practice within the two (2) years after the date of its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new license or privilege to practice if he or she meets the requirements of this chapter. With regard to a reinstatement of a privilege to practice, such reinstatement by the board shall be in accordance with the provisions of the Audiology and Speech-Language Pathology Interstate Compact.

SECTION 11. Section 73-38-31, Mississippi Code of 1972, is amended as follows:

73-38-31. (1) The board shall assess fees for the following purposes:

(a) Initial licensing or the privilege to practice;

(b) Renewal of licensure or the privilege to practice;

(c) License or the privilege to practice issued after expiration date;

(d) Late renewal payment penalty;

(e) Temporary license;

(f) Renewal of temporary license; and

(g) Registration of aides.

(2) Every person to whom a license or the privilege to practice is issued pursuant to this chapter shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee or privilege to practice fee.

(3) Fees prescribed in subsection (1) of this section shall be exclusive and no municipality shall have the right to require any person licensed under this chapter or holding the privilege to practice to furnish any bond, pass any examination, or pay any license fee or privilege to practice fee or occupational tax.

(4) Fees listed in subsection (1) of this section shall be commensurate to the extent feasible with the cost of fulfilling the duties of the board and council as defined by this chapter;

however, no individual fee shall exceed One Hundred Dollars ($100.00).

(5) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

SECTION 12. Section 73-38-33, Mississippi Code of 1972, is brought forward as follows:

73-38-33. The board shall require the applicant for license renewal to present evidence of the satisfactory completion of continuing education requirements as determined by the board.

SECTION 13. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 475

Description: IHL Board; extend repealer on authority to oversee certain construction projects funded by state general obligation bonds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Universities and Colleges
2	01/26	(H) Title Suff Do Pass
3	02/08	(H) Passed {Vote}
4	02/09	(H) Transmitted To Senate
5	02/11	(S) Referred To Universities and Colleges
6	02/24	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

House Committee: Universities and Colleges
Senate Committee: Universities and Colleges

Principal Author: Roberson

Title: AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO ADMINSTER CERTAIN CONTRACTS FOR CONSTRUCTION AND MAINTENANCE PROJECTS AT THE STATE INSTITUTIONS WHICH ARE FUNDED BY STATE GENERAL OBLIGATION BONDS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson

To: Universities and Colleges

HOUSE BILL NO. 475

AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO ADMINSTER CERTAIN CONTRACTS FOR CONSTRUCTION AND MAINTENANCE PROJECTS AT THE STATE INSTITUTIONS WHICH ARE FUNDED BY STATE GENERAL OBLIGATION BONDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-101-15, Mississippi Code of 1972, is amended as follows:

37-101-15. (a) The Board of Trustees of State Institutions of Higher Learning shall succeed to and continue to exercise control of all records, books, papers, equipment, and supplies, and all lands, buildings, and other real and personal property belonging to or assigned to the use and benefit of the board of trustees formerly supervising and controlling the institutions of higher learning named in Section 37-101-1. The board shall have and exercise control of the use, distribution and disbursement of all funds, appropriations and taxes, now and hereafter in possession, levied and collected, received, or appropriated for the use, benefit, support, and maintenance or capital outlay

expenditures of the institutions of higher learning, including the authorization of employees to sign vouchers for the disbursement of funds for the various institutions, except where otherwise specifically provided by law.

(b) The board shall have general supervision of the affairs of all the institutions of higher learning, including the departments and the schools thereof. The board shall have the power in its discretion to determine who shall be privileged to enter, to remain in, or to graduate therefrom. The board shall have general supervision of the conduct of libraries and laboratories, the care of dormitories, buildings, and grounds; the business methods and arrangement of accounts and records; the organization of the administrative plan of each institution; and all other matters incident to the proper functioning of the institutions. The board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the board may establish.

(c) The board shall exercise all the powers and prerogatives conferred upon it under the laws establishing and providing for the operation of the several institutions herein specified. The board shall adopt such bylaws and regulations from time to time as it deems expedient for the proper supervision and control of the several institutions of higher learning, insofar as such bylaws

and regulations are not repugnant to the Constitution and laws, and not inconsistent with the object for which these institutions were established. The board shall have power and authority to prescribe rules and regulations for policing the campuses and all buildings of the respective institutions, to authorize the arrest of all persons violating on any campus any criminal law of the state, and to have such law violators turned over to the civil authorities.

(d) For all institutions specified herein, the board shall provide a uniform system of recording and of accounting approved by the State Department of Audit. The board shall annually prepare, or cause to be prepared, a budget for each institution of higher learning for the succeeding year which must be prepared and in readiness for at least thirty (30) days before the convening of the regular session of the Legislature. All relationships and negotiations between the State Legislature and its various committees and the institutions named herein shall be carried on through the board of trustees. No official, employee or agent representing any of the separate institutions shall appear before the Legislature or any committee thereof except upon the written order of the board or upon the request of the Legislature or a committee thereof.

(e) For all institutions specified herein, the board shall prepare an annual report to the Legislature setting forth the disbursements of all monies appropriated to the respective

institutions. Each report to the Legislature shall show how the money appropriated to the several institutions has been expended, beginning and ending with the fiscal years of the institutions, showing the name of each teacher, officer, and employee, and the salary paid each, and an itemized statement of each and every item of receipts and expenditures. Each report must be balanced, and must begin with the former balance. If any property belonging to the state or the institution is used for profit, the reports shall show the expense incurred in managing the property and the amount received therefrom. The reports shall also show a summary of the gross receipts and gross disbursements for each year and shall show the money on hand at the beginning of the fiscal period of the institution next preceding each session of the Legislature and the necessary amount of expense to be incurred from said date to January 1 following. The board shall keep the annual expenditures of each institution herein mentioned within the income derived from legislative appropriations and other sources, but in case of emergency arising from acts of providence, epidemics, fire or storm with the written approval of the Governor and by written consent of a majority of the senators and of the representatives it may exceed the income. The board shall require a surety bond in a surety company authorized to do business in this state of every employee who is the custodian of funds belonging to one or more of the institutions mentioned herein, which bond shall be in a sum to be fixed by the board in an amount that will properly

safeguard the said funds, the premium for which shall be paid out of the funds appropriated for said institutions.

(f) The board shall have the power and authority to elect the heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff, and all administrative employees of said institutions for a term not exceeding four (4) years. The board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the board to permit the executive head of each institution to nominate for election by the board all subordinate employees of the institution over which he presides. It shall be the policy of the board to elect all officials for a definite tenure of service and to reelect during the period of satisfactory service. The board shall have the power to make any adjustments it thinks necessary between the various departments and schools of any institution or between the different institutions.

(g) The board shall keep complete minutes and records of all proceedings which shall be open for inspection by any citizen of the state.

(h) The board shall have the power to enter into an energy performance contract, energy services contract, on a shared-savings, lease or lease-purchase basis, for energy

efficiency services and/or equipment as prescribed in Section 31-7-14.

(i) The Board of Trustees of State Institutions of Higher Learning, for and on behalf of Jackson State University, is hereby authorized to convey by donation or otherwise easements across portions of certain real estate located in the City of Jackson, Hinds County, Mississippi, for right-of-way required for the Metro Parkway Project.

(j) In connection with any international contract between the board or one (1) of the state's institutions of higher learning and any party outside of the United States, the board or institution that is the party to the international contract is hereby authorized and empowered to include in the contract a provision for the resolution by arbitration of any controversy between the parties to the contract relating to such contract or the failure or refusal to perform any part of the contract. Such provision shall be valid, enforceable and irrevocable without regard to the justiciable character of the controversy. Provided, however, that in the event either party to such contract initiates litigation against the other with respect to the contract, the arbitration provision shall be deemed waived unless asserted as a defense on or before the responding party is required to answer such litigation.

(k) The Board of Trustees of State Institutions of Higher Learning ("board"), on behalf of any institution under its

jurisdiction, shall purchase and maintain business property insurance and business personal property insurance on all university-owned buildings and/or contents as required by federal law and regulations of the Federal Emergency Management Agency (FEMA) as is necessary for receiving public assistance or reimbursement for repair, reconstruction, replacement or other damage to those buildings and/or contents caused by the Hurricane Katrina Disaster of 2005 or subsequent disasters. The board is authorized to expend funds from any available source for the purpose of obtaining and maintaining that property insurance. The board is authorized to enter into agreements with the Department of Finance and Administration, local school districts, community/junior college districts, community hospitals and/or other state agencies to pool their liabilities to participate in a group business property and/or business personal property insurance program, subject to uniform rules and regulations as may be adopted by the Department of Finance and Administration.

(l) The Board of Trustees of State Institutions of Higher Learning, or its designee, may approve the payment or reimbursement of reasonable travel expenses incurred by candidates for open positions at the board's executive office or at any of the state institutions of higher learning, when the job candidate has incurred expenses in traveling to a job interview at the request of the board, the Commissioner of Higher Education or a state institution of higher learning administrator.

(m) (i) The Board of Trustees of State Institutions of Higher Learning is authorized to administer and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are paid for with self-generated funds.

(ii) Additionally, the board is authorized to oversee, administer and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are funded in whole or in part by general obligation bonds of the State of Mississippi at institutions designated annually by the board as being capable to procure and administer all such contracts. Prior to the disbursement of funds, an agreement for each project between the institution and the Department of Finance and Administration shall be executed. The approval and execution of the agreement shall not be withheld by either party unless the withholding party provides a written, detailed explanation of the basis for withholding to the other party. The agreement shall stipulate the responsibilities of each party, applicable procurement regulations, documentation and reporting requirements, conditions prior to, and schedule of, disbursement of general obligation bond funds to the institution and provisions concerning handling any remaining general obligation bonds at the completion of the

project. Such agreement shall not include provisions that constitute additional qualifications or criteria that act to invalidate the designation of an institution as capable of procuring and administering such project. Inclusion of any such provisions may be appealed to the Public Procurement Review Board. This subparagraph (ii) shall stand repealed from and after July 1, * * * 2025.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 483

Description: Local Governments Capital Improvements Revolving Loan Fund; extend repealer on MDA authority to use certain funds for expenses.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Appropriations
2	01/25	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Appropriations
6	03/01	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 057-0001-0303

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Roberson
Additional Authors: Stamps, Anthony, Brown (70th), Banks

Title: AN ACT TO AMEND SECTION 57-1-303, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE CERTAIN MONIES IN THE LOCAL GOVERNMENTS CAPITAL IMPROVEMENTS REVOLVING LOAN FUND FOR ORDINARY AND NECESSARY GENERAL SUPPORT OF THE AUTHORITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Roberson, Stamps, Anthony, Brown (70th), Banks

To: Appropriations

HOUSE BILL NO. 483

AN ACT TO AMEND SECTION 57-1-303, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE CERTAIN MONIES IN THE LOCAL GOVERNMENTS CAPITAL IMPROVEMENTS REVOLVING LOAN FUND FOR ORDINARY AND NECESSARY GENERAL SUPPORT OF THE AUTHORITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-1-303, Mississippi Code of 1972, is amended as follows:

57-1-303. (1) (a) (i) There is created a special fund in the State Treasury to be designated as the "Local Governments Capital Improvements Revolving Loan Fund," which fund shall consist of such monies as provided in Sections 57-1-307 through 57-1-335. The fund shall be maintained in perpetuity for the purposes established in Sections 57-1-301 through 57-1-335. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any

purpose except as authorized under Sections 57-1-301 through 57-1-335.

(ii) Monies in the Local Governments Capital Improvements Revolving Loan Fund which are derived from interest on loan payments received by the Mississippi Development Authority after January 1, 2002, for loans funded with proceeds of bonds whose interest is not exempt from income taxation under the provisions of the Internal Revenue Code may be used by the Mississippi Development Authority for the ordinary and necessary general support of the Mississippi Development Authority. However, such monies may not be used for the purpose of providing salary increases for Mississippi Development Authority employees. The Mississippi Development Authority may escalate its budget and expend such monies in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. This subparagraph (ii) shall be repealed from and after July 1, * * * 2025.

(b) The Local Governments Capital Improvements Revolving Loan Fund shall be divided into the Taxable Local Governments Capital Improvements Revolving Loan Subaccount and the Nontaxable Local Governments Capital Improvements Revolving Loan Subaccount. Funds allocated to the Nontaxable Local Governments Capital Improvements Revolving Loan Subaccount shall be utilized to provide loans for capital improvements that would qualify for the issuance of bonds whose interest is exempt from income

taxation under the provisions of the Internal Revenue Code. Funds allocated to the Taxable Local Governments Capital Improvements Revolving Loan Subaccount shall be utilized to provide loans for any eligible capital improvements, including, but not limited to, capital improvements that would qualify for the issuance of bonds whose interest is exempt from income taxation under the provisions of the Internal Revenue Code.

(c) Of the funds deposited into the Local Governments Capital Improvements Revolving Loan Fund, not less than Twenty-five Million Dollars ($25,000,000.00) shall be allocated to the Nontaxable Local Governments Capital Improvements Revolving Loan Subaccount, and the remainder of such funds shall be allocated to the Taxable Local Governments Capital Improvements Revolving Loan Subaccount.

(2) A county or an incorporated municipality may apply to the Mississippi Development Authority for a loan under the local governments capital improvements revolving loan program established under Sections 57-1-301 through 57-1-335.

(3) (a) The Mississippi Development Authority shall establish a loan program by which loans, at the rate of interest provided for in paragraph (b) of this subsection, may be made available to counties and incorporated municipalities to assist counties and incorporated municipalities in making capital improvements. Loans from the revolving fund may be made to counties and municipalities as set forth in a loan agreement in

amounts not to exceed one hundred percent (100%) of eligible project costs as established by the Mississippi Development Authority. The Mississippi Development Authority may require county or municipal participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from the revolving fund. The Mississippi Development Authority may establish a maximum amount for any loan in order to provide for broad and equitable participation in the program and loans for projects described in Section 57-1-301(1)(m) shall not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) per project.

(b) (i) Except as otherwise provided in this paragraph (b), the rate of interest on loans made from the Local Governments Capital Improvements Revolving Loan Fund for capital improvements that would qualify for the issuance of bonds whose interest is exempt from income taxation under the provisions of the Internal Revenue Code shall be at the rate of three percent (3%) per annum, calculated according to the actuarial method. The rate of interest on loans for all other capital improvements shall be at the true interest cost on the most recent issue of twenty-year state general obligation bonds occurring prior to the date such loan is made.

(ii) The rate of interest on loans made after April 9, 2002, from the Local Governments Capital Improvements Revolving Loan Fund for capital improvements that would qualify for the issuance of bonds whose interest is exempt from income

taxation under the provisions of the Internal Revenue Code shall be at the rate of the lesser of two percent (2%) per annum, calculated according to the actuarial method, or the true interest cost on the most recent issue of state general obligation bonds occurring prior to the date such loan is made. The rate of interest on loans made after April 9, 2002, for all other capital improvements shall be at the rate of three percent (3%) per annum, calculated according to the actuarial method.

(iii) Notwithstanding the provisions of this paragraph to the contrary, loans made for the purposes of the capital project described in Section 57-1-301(2)(l) shall bear no interest.

(4) A county that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). The loan agreement shall provide for the repayment of all funds received

within not more than twenty (20) years from the date of project completion.

(5) The State Auditor, upon request of the Mississippi Development Authority, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the Mississippi Development Authority.

(6) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

(7) There is created a special fund in the State Treasury to be designated as the "Local Governments Brownfields Redevelopment Grant Fund." The fund shall consist of those monies as provided in Section 57-1-307. Unexpended amounts remaining in the fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not

be used or expended for any purpose except as authorized in this section. From and after July 1, 2009, the Local Governments Brownfields Redevelopment Grant Fund is abolished and all money in the fund shall be transferred to the Local Governments Capital Improvements Revolving Loan Fund.

(8) The Mississippi Development Authority may, on a case-by-case basis, renegotiate the payment of principal and interest on loans made under Sections 57-1-301 through 57-1-335 to the six (6) most southern counties of the state covered by the Presidential Declaration of Major Disaster for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005, and to political subdivisions located in such counties; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 492

Description: Health Care Expendable Fund; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Appropriations
2	01/25	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Appropriations
6	03/01	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 043-0013-0407

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Roberson

Title: AN ACT TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON CERTAIN PROVISIONS RELATING TO THE HEALTH CARE EXPENDABLE FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson To: Appropriations

HOUSE BILL NO. 492

AN ACT TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON CERTAIN PROVISIONS RELATING TO THE HEALTH CARE EXPENDABLE FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-13-407, Mississippi Code of 1972, is amended as follows:

43-13-407. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Expendable Fund, into which shall be transferred from the Health Care Trust Fund the following sums:

(a) In fiscal year 2005, Four Hundred Fifty-six Million Dollars ($456,000,000.00);

(b) In fiscal year 2006, One Hundred Eighty-six Million Dollars ($186,000,000.00);

(c) In fiscal year 2007, One Hundred Eighty-six Million Dollars ($186,000,000.00);

(d) In fiscal year 2008, One Hundred Six Million Dollars ($106,000,000.00);

(e) In fiscal year 2009, Ninety-two Million Two Hundred Fifty Thousand Dollars ($92,250,000.00);

(f) In the fiscal year beginning after the calendar year in which none of the amount of the annual tobacco settlement installment payment will be deposited into the Health Care Expendable Fund as provided in subsection (3)(d) of this section, and in each fiscal year thereafter, a sum equal to the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds in the Health Care Trust Fund during the preceding four (4) fiscal years.

(2) In any fiscal year in which interest, dividends and other income from the investment of the funds in the Health Care Trust Fund are not sufficient to fund the full amount of the annual transfer into the Health Care Expendable Fund as required in subsection (1)(f) of this section, the State Treasurer shall transfer from tobacco settlement installment payments an amount that is sufficient to fully fund the amount of the annual transfer.

(3) Beginning with calendar year 2009, at the time that the State of Mississippi receives the tobacco settlement installment payment for each calendar year, the State Treasurer shall deposit the following amounts of each of those installment payments into the Health Care Expendable Fund:

(a) In calendar years 2009 and 2010, the total amount of the installment payment;

(b) In calendar year 2011, the amount of the installment payment less Ten Million Dollars ($10,000,000.00);

(c) In calendar years 2012, 2013 and 2014, the total amount of the installment payment;

(d) In calendar year 2015, and each calendar year thereafter, the total amount of the installment payment.

(4) (a) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of One Hundred Twelve Million Dollars ($112,000,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund in fiscal year 2011.

(b) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Fifty-six Million Two Hundred Sixty-three Thousand Four Hundred Thirty-eight Dollars ($56,263,438.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2012.

(c) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Ninety-seven Million Four Hundred Fifty Thousand Three Hundred Thirty-two Dollars ($97,450,332.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2013.

(d) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Twenty-three Million One Hundred Thousand Dollars ($23,100,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2014.

(e) The State Fiscal Officer shall transfer the entire balance in the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2015.

(5) If Medicaid expenditures are projected to exceed the amount of funds appropriated to the Division of Medicaid in any fiscal year in excess of the expenditure reductions to providers, funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and then to the Governor's Office, Division of Medicaid, in the amount and at such time as requested by the Governor to reconcile the deficit.

(6) All income from the investment of the funds in the Health Care Expendable Fund shall be credited to the account of the Health Care Expendable Fund. Any funds in the Health Care Expendable Fund at the end of a fiscal year shall not lapse into the State General Fund. Any funds appropriated from the Health Care Expendable Fund that are unexpended at the end of a fiscal year shall lapse into the Health Care Expendable Fund.

(7) The funds in the Health Care Expendable Fund shall be available for expenditure under specific appropriation by the Legislature beginning in fiscal year 2000, and shall be expended exclusively for health care purposes.

(8) The provisions of subsection (1) of this section may not be changed in any manner except upon amendment to that subsection by a bill enacted by the Legislature with a vote of not less than three-fifths (3/5) of the members of each house present and voting.

(9) If the State Treasurer, in consultation with the Executive Director of the Department of Finance and Administration, determines that there is a need to borrow funds to offset any temporary cash-flow deficiencies in the Health Care Expendable Fund created in this section, the Treasurer may borrow those funds from any state-source special funds in the State Treasury in amounts that can be repaid from the Health Care Expendable Fund during the fiscal year in which the funds are borrowed. The State Treasurer shall immediately notify the Legislative Budget Office and the Department of Finance and Administration of each transfer into and out of the Health Care Expendable Fund.

(10) No later than September 30, 2011, the State Treasurer shall transfer from the Health Care Expendable Fund to the Health Care Trust Fund an amount equivalent to the unencumbered ending cash balance of the Health Care Expendable Fund as of June 30,

2011, less Three Million Eight Hundred Forty Thousand Dollars ($3,840,000.00).

(11) Subsections (1), (2), (3), (5), (6) and (7) of this section shall stand repealed on July 1, * * * 2025.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 503

Description: Memorial intersection; designate Exit 90 on Interstate 22 in Lee County as the "Sheriff Harold Ray Presley Memorial Intersection."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H)	Referred To Transportation; Appropriations
2	01/20	(H)	DR - TSDP: TR To AP
3	01/27	(H)	DR - TSDP: AP To TR
4	01/27	(H)	Title Suff Do Pass
5	02/08	(H)	Passed {Vote}
6	02/09	(H)	Transmitted To Senate
7	02/11	(S)	Referred To Highways and Transportation
8	03/01	(S)	Title Suff Do Pass
9	03/08	(S)	Passed {Vote}
10	03/09	(S)	Returned For Enrolling
11	03/10	(H)	Enrolled Bill Signed
12	03/11	(S)	Enrolled Bill Signed
13	03/17		Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Boyd
Additional Authors: Brown (20th), Turner

Title: AN ACT TO DESIGNATE A CERTAIN INTERSECTION ON INTERSTATE 22 IN LEE COUNTY, MISSISSIPPI, AS THE "SHERIFF HAROLD RAY PRESLEY MEMORIAL INTERSECTION"; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 503

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representatives Boyd, Brown (20th), Turner

To: Transportation; Appropriations

HOUSE BILL NO. 503

AN ACT TO DESIGNATE A CERTAIN INTERSECTION ON INTERSTATE 22 IN LEE COUNTY, MISSISSIPPI, AS THE "SHERIFF HAROLD RAY PRESLEY MEMORIAL INTERSECTION"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The intersection of Interstate Highway 22 and Auburn Road, Exit 90, in Lee County, Mississippi, is designated and shall be known as the "Sheriff Harold Ray Presley Memorial Intersection."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the intersection.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 504

Description: Memorial highway; designate segment of I-22 in Lee County as the "Korean War Veterans Highway."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H)	Referred To Transportation; Appropriations
2	01/20	(H)	DR - TSDP: TR To AP
3	01/27	(H)	DR - TSDP: AP To TR
4	01/27	(H)	Title Suff Do Pass
5	02/08	(H)	Passed {Vote}
6	02/09	(H)	Transmitted To Senate
7	02/11	(S)	Referred To Highways and Transportation
8	03/01	(S)	Title Suff Do Pass
9	03/08	(S)	Passed {Vote}
10	03/09	(S)	Returned For Enrolling
11	03/10	(H)	Enrolled Bill Signed
12	03/11	(S)	Enrolled Bill Signed
13	03/17		Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Boyd
Additional Authors: Brown (20th), Turner

Title: AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE 22 LOCATED IN LEE COUNTY, MISSISSIPPI, AS THE "KOREAN WAR VETERANS HIGHWAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Boyd, Brown (20th), Turner

To: Transportation; Appropriations

HOUSE BILL NO. 504

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE 22 LOCATED IN LEE COUNTY, MISSISSIPPI, AS THE "KOREAN WAR VETERANS HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Interstate 22 located in Lee County, Mississippi, beginning at Exit 81 and extending easterly to Exit 87, is designated and shall be known as the "Korean War Veterans Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 505

Description: Memorial highway; designate segment of I-22 in Lee County as the "Vietnam Veterans Way."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Transportation; Appropriations
2	01/20	(H) DR - TSDP: TR To AP
3	01/27	(H) DR - TSDP: AP To TR
4	01/27	(H) Title Suff Do Pass
5	02/08	(H) Passed {Vote}
6	02/09	(H) Transmitted To Senate
7	02/11	(S) Referred To Highways and Transportation
8	03/01	(S) Title Suff Do Pass
9	03/08	(S) Passed {Vote}
10	03/09	(S) Returned For Enrolling
11	03/10	(H) Enrolled Bill Signed
12	03/11	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Boyd
Additional Authors: Brown (20th), Turner

Title: AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE 22 LOCATED IN LEE COUNTY, MISSISSIPPI, AS THE "VIETNAM VETERANS WAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Boyd, Brown (20th), Turner

To: Transportation; Appropriations

HOUSE BILL NO. 505

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE 22 LOCATED IN LEE COUNTY, MISSISSIPPI, AS THE "VIETNAM VETERANS WAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Interstate 22 located in Lee County, Mississippi, beginning at Exit 87 and extending easterly to Exit 94, is designated and shall be known as the "Vietnam Veterans Way."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 514

Description: Department of Corrections; extend repealer on drug and alcohol program at Bolivar County Regional Facility.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Corrections
2	01/24	(H) Title Suff Do Pass
3	01/27	(H) Passed {Vote}
4	01/28	(H) Transmitted To Senate
5	02/04	(S) Referred To Corrections
6	02/22	(S) Title Suff Do Pass As Amended
7	03/02	(S) Amendment Failed
8	03/02	(S) Passed {Vote}
9	03/03	(S) Returned For Enrolling
10	03/03	(H) Enrolled Bill Signed
11	03/04	(S) Enrolled Bill Signed
12	03/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1Lost Voice Vote

Code Section: A 047-0005-0940

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections

Principal Author: Roberson
Additional Authors: Anthony

Title: AN ACT TO AMEND SECTION 47-5-940, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE AUTHORITY OF THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH THE BOLIVAR COUNTY REGIONAL FACILITY FOR A DRUG AND ALCOHOL TREATMENT PROGRAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Roberson, Anthony To: Corrections

HOUSE BILL NO. 514

AN ACT TO AMEND SECTION 47-5-940, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE AUTHORITY OF THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH THE BOLIVAR COUNTY REGIONAL FACILITY FOR A DRUG AND ALCOHOL TREATMENT PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-940, Mississippi Code of 1972, is amended as follows:

47-5-940. (1) (a) The Department of Corrections may contract with the Bolivar County Regional Facility for a five-year pilot program dedicated to an intensive and comprehensive alcohol and other drug treatment program for not more than two hundred fifty (250) inmates. The Bolivar County Regional Facility shall have the option of canceling the contract for the drug treatment program after giving the Department of Corrections thirty (30) days' notice of its intent to cancel. The program shall be a prison-based treatment program designed to reduce substance abuse by inmates, correct dysfunctional thinking and behavioral

patterns, and prepare inmates to make a successful and crime-free readjustment to the community.

(b) The Department of Corrections shall reimburse the Bolivar County Regional Facility at the per diem rate allowed under Section 47-5-933.

(2) (a) An inmate who is within eighteen (18) months of his earned release date or parole date may be placed in the program.

(b) The Department of Corrections shall remove any inmate within seventy-two (72) hours after being notified by the Bolivar County Regional Facility that the inmate is violent or refuses to participate in the drug treatment program.

(3) The program shall consist, but is not limited to, the following components:

(a) An assessment and placement component using a recidivism needs assessment of the inmates.

(b) An intensive and comprehensive treatment and rehabilitation component which addresses the specific drug or alcohol problem of the inmate. This component shall include relapse prevention strategies and anger management strategies.

(c) An aftercare post-release component that has a specific transition plan for each inmate. The transition plan must address specific post-release needs such as employment, housing, medical care, relapse prevention and treatment. The plan shall require personnel to assist the inmate with these needs and to assist in finding community-based programs for the inmate. The

plan shall require the inmate to be tracked in at least thirty-day intervals to measure compliance with his established transition plan.

(d) A monitoring assessment of recidivism containing post-release history of substance abuse, breaches of trust, arrests, convictions, employment, community functioning, and marital and family interaction.

(4) The department shall file a report annually on the program with specific data on recidivism of inmates including the data required in subsection (3)(d).

(5) The program authorized under this section may be renewed if it meets performance requirements as may be determined by the Legislature.

(6) This section shall be repealed on July * * * 1, 2025.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 515

Description: Prison Overcrowding Emergency Powers Act; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Corrections
2	01/24	(H) Title Suff Do Pass
3	01/27	(H) Passed {Vote}
4	01/28	(H) Transmitted To Senate
5	02/04	(S) Referred To Corrections
6	02/22	(S) Title Suff Do Pass As Amended
7	03/02	(S) Amendment Failed
8	03/02	(S) Passed {Vote}
9	03/03	(S) Returned For Enrolling
10	03/03	(H) Enrolled Bill Signed
11	03/04	(S) Enrolled Bill Signed
12	03/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1Lost Voice Vote

Code Section: R 047-0005-0703, R 047-0005-0705, R 047-0005-0707, R 047-0005-0709, R 047-0005-0711, R 047-0005-0713, R 047-0005-0715, R 047-0005-0717, R 047-0005-0719, R 047-0005-0721, R 047-0005-0723, R 047-0005-0725, R 047-0005-0727, R 047-0005-0729, A 047-0005-0731

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections

Principal Author: Roberson

Title: AN ACT TO REENACT SECTIONS 47-5-701 THROUGH 47-5-729, MISSISSIPPI CODE OF 1972, WHICH ARE THE PRISON OVERCROWDING EMERGENCY POWERS ACT; TO AMEND SECTION 47-5-731, MISSISSIPPI CODE OF 1972, TO

EXTEND THE DATE OF THE REPEALER ON THE PRISON OVERCROWDING EMERGENCY POWERS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson To: Corrections

HOUSE BILL NO. 515

AN ACT TO REENACT SECTIONS 47-5-701 THROUGH 47-5-729, MISSISSIPPI CODE OF 1972, WHICH ARE THE PRISON OVERCROWDING EMERGENCY POWERS ACT; TO AMEND SECTION 47-5-731, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PRISON OVERCROWDING EMERGENCY POWERS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-701, Mississippi Code of 1972, is reenacted as follows:

47-5-701. Sections 47-5-701 through 47-5-729 shall be known and may be cited as the "Prison Overcrowding Emergency Powers Act."

SECTION 2. Section 47-5-703, Mississippi Code of 1972, is reenacted as follows:

47-5-703. For the purposes of Sections 47-5-701 through 47-5-729 the following words shall have the meaning ascribed herein unless the context shall otherwise require:

(a) "Inmate" means every person who at the time of the declaration of a prison system overcrowding state of emergency, or at any time during the continuation of a state of emergency, is

incarcerated by the Mississippi Department of Corrections as a result of a commitment to the department, including persons committed to the department and incarcerated in local or county jails or other facilities authorized to house state inmates.

(b) "Operating capacity" means the total number of state inmates which can be safely and reasonably housed in facilities operated by the Department of Corrections and in local or county jails or other facilities authorized to house state inmates as certified by the department, subject to applicable federal and state laws and rules and regulations.

(c) "Parole eligibility date" means the date on which an inmate becomes eligible for release by parole under the provisions of Section 47-7-3, Mississippi Code of 1972. For the purposes of Sections 47-5-701 through 47-5-729, an inmate with a sentence of one (1) year shall be deemed to have a parole eligibility date which shall be the last day of his sentence.

(d) "Prison" means any correctional facility operated by the Mississippi Department of Corrections.

(e) "Prison system" means the prisons operated by the Mississippi Department of Corrections and those local or county jails or other facilities authorized to house state inmates.

(f) "Prison system population" means the total number of state inmates housed in the prisons operated by the Mississippi Department of Corrections and in those local or county jails or other facilities authorized to house state inmates.

(g) "Qualified inmate" means inmates who are not incarcerated for convictions of murder, kidnapping, arson, armed robbery, rape, sexual offenses or any offense involving the use of a deadly weapon and who are within that number of days of their parole eligibility date at the time of the declaration of the state of emergency as is specified to be conditionally advanced under the declaration of the state of emergency. An inmate sentenced as an habitual offender shall not be considered a "qualified inmate."

(h) "State of emergency" means a prison system overcrowding state of emergency as provided in Section 47-5-711.

SECTION 3. Section 47-5-705, Mississippi Code of 1972, is reenacted as follows:

47-5-705. The requirements for the declaration of a prison system overcrowding state of emergency are as follows:

(a) Prison system population in excess of ninety-five percent (95%) of the prison system operating capacity for at least thirty (30) consecutive days immediately preceding the declaration of a state of emergency;

(b) Full appropriate utilization by the Mississippi Department of Corrections of powers which tend either to reduce prison system population or expand operating capacity. Such powers include, but are not limited to, earned time allowances as specified in Sections 47-5-138 and 47-5-139, Mississippi Code of 1972, review of offenders for purposes of reclassification,

reevaluation of persons eligible for consideration for work release, supervised earned release or other release programs authorized by law and arrangements for housing inmates of the Department of Corrections in local or county jails or other facilities authorized to house state inmates; and

(c) Full appropriate utilization by the State Parole Board of those powers which tend to reduce the prison system population. Such powers include, but are not limited to, parole as provided in Section 47-7-3, Mississippi Code of 1972, the review of inmates who have had their parole revoked and the reevaluation of inmates previously denied parole.

SECTION 4. Section 47-5-707, Mississippi Code of 1972, is reenacted as follows:

47-5-707. Whenever the prison system population exceeds ninety-five percent (95%) of operating capacity, the Commissioner of Corrections shall immediately notify the Governor and the State Parole Board of this fact. The notice shall include the current prison system population and the prison system operating capacity. A report must be made within ten (10) days after the thirtieth day of operating in excess of ninety-five percent (95%) of operating capacity. The report shall include the prison system operating capacity, the prison system population during the relevant time period, and may include a recommended specific term of advancement of the parole eligibility dates.

SECTION 5. Section 47-5-709, Mississippi Code of 1972, is reenacted as follows:

47-5-709. If the prison system population exceeds ninety-five percent (95%) of operating capacity for thirty (30) consecutive days, the State Parole Board shall meet to determine whether there has been full appropriate exercise of the powers of the State Parole Board which tend to reduce the prison system population. The State Parole Board shall report its findings to the Governor within ten (10) days after the thirtieth day of operating in excess of ninety-five percent (95%) of prison operating capacity. The report shall include the determination of the State Parole Board regarding its utilization of powers described in paragraph (c) of Section 47-5-705.

SECTION 6. Section 47-5-711, Mississippi Code of 1972, is reenacted as follows:

47-5-711. Upon receipt of the report from the Commissioner of Corrections and the report of the State Parole Board, the Governor has the power to:

(a) Determine to be in error the determination that there had been full appropriate exercise of powers which tends to reduce prison population, in which case no state of emergency shall commence;

(b) Determine that commencement of a state of emergency would be injurious to the public good, or raises the potential of threatening the safety of the public in the state as a whole or in

a particular community, in which case no state of emergency shall commence; or

(c) Determine that the reports establish the existence of the conditions for a declaration of a prison system overcrowding state of emergency as described in Section 47-5-705 and declare a state of emergency, specifying an amount of advancement of parole eligibility dates from thirty (30) to ninety (90) days.

If fourteen (14) days after the receipt of the reports to the Governor pursuant to Sections 47-5-707 and 47-5-709 the Governor has not exercised any of the powers specified in paragraphs (a), (b) and (c) of this section, action under Sections 47-5-701 through 47-5-729 is considered terminated.

If the Governor exercises a power under paragraph (a) or (b) of this section, he shall state the reasons for the exercise of such power in the notification of his action to the Commissioner of Corrections and the State Parole Board.

SECTION 7. Section 47-5-713, Mississippi Code of 1972, is reenacted as follows:

47-5-713. Upon the declaration of a state of emergency, the parole eligibility dates of qualified inmates shall be conditionally advanced. The amount of advancement of parole eligibility dates must be specified in the declaration by the Governor. When the state of emergency has been terminated, the parole eligibility dates which were conditionally advanced shall

be reset to the parole eligibility date set prior to the emergency for those inmates who were not released on parole under the provisions of Sections 47-5-701 through 47-5-729.

SECTION 8. Section 47-5-715, Mississippi Code of 1972, is reenacted as follows:

47-5-715. During the continuation of a state of emergency, the Commissioner of the Department of Corrections shall weekly certify to the Governor the prison system population for each day of the preceding week. The Governor shall declare the state of emergency terminated upon notification that the prison system population has been at or below ninety-five percent (95%) of operating capacity for seven (7) consecutive days.

If no declaration of termination is issued within seven (7) days after the certification of conditions for termination of the state of emergency, the state of emergency is considered terminated as of the seventh day after the certification.

SECTION 9. Section 47-5-717, Mississippi Code of 1972, is reenacted as follows:

47-5-717. If sixty (60) days after the declaration of a prison system overcrowding state of emergency or of an additional advancement of the parole eligibility dates the prison system population continues to be in excess of ninety-five percent (95%) of operating capacity, the Commissioner of Corrections shall report to the Governor indicating whether an additional advancement of the parole eligibility dates is necessary in order

to reduce the prison system population to ninety-five percent (95%) of operating capacity and indicating the amount of any recommended additional advancement of the parole eligibility dates. The recommended amount must be no less than thirty (30) days nor more than ninety (90) days. The report shall include those factors which would tend to indicate that the prison system population is likely to increase above operating capacity within ninety (90) days. The report shall discuss the availability of field supervisors, the currently existing supervision case loads, and the measures that could be taken and the resources that would be needed to provide appropriate supervision of persons released early as a result of an additional advancement of the parole eligibility dates.

SECTION 10. Section 47-5-719, Mississippi Code of 1972, is reenacted as follows:

47-5-719. Upon receipt of the report from the Commissioner of Corrections as provided in Section 47-5-717, the Governor has the power to:

(a) Determine to be in error any conclusion of the Commissioner of Corrections that an additional advancement of the parole eligibility dates is necessary in order for the prison system population to be reduced to ninety-five percent (95%) of operating capacity, in which case no additional advancements of the parole eligibility dates shall occur;

(b) Determine that the ordering of additional advancements of the parole eligibility dates would be injurious to the public good or raises the potential of threatening the safety of the public in the state as a whole or in a particular community, in which case no additional advancement of parole eligibility dates shall occur; or

(c) Determine that an additional advancement of the parole eligibility dates is necessary in order for the prison system population to be reduced to ninety-five percent (95%) of operating capacity and order additional advancements specifying the amount of additional advancements, which shall be at least thirty (30) and not more than ninety (90) days.

If fourteen (14) days after the receipt of the report to the Governor pursuant to Section 47-5-717 including a determination of the Commissioner of Corrections that an additional advancement of the parole eligibility dates is not necessary in order for the prison system population to be reduced to ninety-five percent (95%) of operating capacity the Governor has not exercised the power provided in paragraph (c) of this section, action initiated under Section 47-5-717 is considered terminated.

If the Governor exercises a power provided under paragraph (a) or (b) of this section, he shall state the reasons for the exercise of such power in the notification of his action to the Commissioner of Corrections and the State Parole Board.

If the Governor orders additional advancements of the parole eligibility dates under this section, the amount of advancement of the parole eligibility dates must be as ordered by the Governor.

SECTION 11. Section 47-5-721, Mississippi Code of 1972, is reenacted as follows:

47-5-721. If at any time during a state of emergency the Governor determines that the continuation of the state of emergency is injurious to the public good or raises the potential of threatening the safety of the public in the state as a whole or in a particular community, he may order the state of emergency terminated.

SECTION 12. Section 47-5-723, Mississippi Code of 1972, is reenacted as follows:

47-5-723. Revocation of the conditional advancement of the parole eligibility date is a permissible prison disciplinary action according to the same procedures governing the forfeiture of earned time allowances as a prison disciplinary action.

SECTION 13. Section 47-5-725, Mississippi Code of 1972, is reenacted as follows:

47-5-725. The State Parole Board shall prescribe conditions of advancement of the parole eligibility date applicable prior to an inmate's release. The State Parole Board shall prescribe conditions of supervision consistent with existing regulations applicable after release on parole. When an inmate is released under the provisions of Sections 47-5-701 through 47-5-729 he

shall be considered to be in the legal custody of the Department of Corrections.

SECTION 14. Section 47-5-727, Mississippi Code of 1972, is reenacted as follows:

47-5-727. Advancement of parole eligibility dates under Sections 47-5-701 through 47-5-729 shall occur independently of all other adjustments of the parole eligibility dates, such as advancing the parole eligibility dates as a result of receiving earned time allowances.

SECTION 15. Section 47-5-729, Mississippi Code of 1972, is reenacted as follows:

47-5-729. The Commissioner of Corrections shall within thirty (30) days after April 10, 1985, establish the operating capacities of the prison system, and shall at least quarterly certify existing operating capacities or establish changed or new operating capacities.

SECTION 16. Section 47-5-731, Mississippi Code of 1972, is amended as follows:

47-5-731. Sections 47-5-701 through 47-5-729, Mississippi Code of 1972, which create the Prison Overcrowding Emergency Powers Act, shall stand repealed from and after July 1, * * * 2025.

SECTION 17. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 534

Description: Corrections; extend repealer on intensive supervision program and electronic home detention.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: June 30, 2022

History of Actions:

1	01/12	(H) Referred To Corrections
2	01/24	(H) Title Suff Do Pass
3	01/27	(H) Passed {Vote}
4	01/28	(H) Transmitted To Senate
5	02/04	(S) Referred To Corrections
6	02/22	(S) Title Suff Do Pass As Amended
7	03/02	(S) Amendment Failed
8	03/02	(S) Passed {Vote}
9	03/03	(S) Returned For Enrolling
10	03/03	(H) Enrolled Bill Signed
11	03/04	(S) Enrolled Bill Signed
12	03/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1Lost Voice Vote

Code Section: R 047-0005-1001, R 047-0005-1003, R 047-0005-1005, R 047-0005-1007, R 047-0005-1009, R 047-0005-1011, R 047-0005-1013, R 047-0005-1014, A 047-0005-1015

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections

Principal Author: Roberson

Title: AN ACT TO REENACT SECTIONS 47-5-1001 THROUGH 47-5-1014, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR AN INTENSIVE SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION UNDER THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 47-5-

1015, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE INTENSIVE SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 534

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson To: Corrections

HOUSE BILL NO. 534

AN ACT TO REENACT SECTIONS 47-5-1001 THROUGH 47-5-1014, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR AN INTENSIVE SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION UNDER THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 47-5-1015, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE INTENSIVE SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-1001, Mississippi Code of 1972, is reenacted as follows:

47-5-1001. For purposes of Sections 47-5-1001 through 47-5-1015, the following words shall have the meaning ascribed herein unless the context shall otherwise require:

(a) "Approved electronic monitoring device" means a device approved by the department which is primarily intended to record and transmit information regarding the offender's presence or nonpresence in the home.

(b) "Correctional field officer" means the supervising probation and parole officer in charge of supervising the offender.

(c) "Court" means a circuit court having jurisdiction to place an offender into the intensive supervision program.

(d) "Department" means the Department of Corrections.

(e) "House arrest" means the confinement of a person convicted or charged with a crime to his place of residence under the terms and conditions established by the department or court.

(f) "Operating capacity" means the total number of state offenders which can be safely and reasonably housed in facilities operated by the department and in local or county jails or other facilities authorized to house state offenders as certified by the department, subject to applicable federal and state laws and rules and regulations.

(g) "Participant" means an offender placed into an intensive supervision program.

SECTION 2. Section 47-5-1003, Mississippi Code of 1972, is reenacted as follows:

47-5-1003. (1) An intensive supervision program may be used as an alternative to incarceration for offenders who are not convicted of a crime of violence pursuant to Section 97-3-2 as selected by the court and for juvenile offenders as provided in Section 43-21-605. Any offender convicted of a sex crime shall not be placed in the program.

(2) The court may place the defendant on intensive supervision, except when a death sentence or life imprisonment is the maximum penalty which may be imposed by a court or judge.

(3) To protect and to ensure the safety of the state's citizens, any offender who violates an order or condition of the intensive supervision program may be arrested by the correctional field officer and placed in the actual custody of the Department of Corrections. Such offender is under the full and complete jurisdiction of the department and subject to removal from the program by the classification hearing officer.

(4) When any circuit or county court places an offender in an intensive supervision program, the court shall give notice to the Mississippi Department of Corrections within fifteen (15) days of the court's decision to place the offender in an intensive supervision program. Notice shall be delivered to the central office of the Mississippi Department of Corrections and to the regional office of the department which will be providing supervision to the offender in an intensive supervision program.

The courts may not require an offender to participate in the intensive supervision program during a term of probation or post-release supervision.

(5) The Department of Corrections shall provide to the Oversight Task Force all relevant data regarding the offenders participating in the intensive supervision program including the number of offenders admitted to the program annually, the number of offenders who leave the program annually and why they leave, the number of offenders who are arrested or convicted annually and

the circumstances of the arrest and any other information requested.

SECTION 3. Section 47-5-1005, Mississippi Code of 1972, is reenacted as follows:

47-5-1005. (1) The department shall promulgate rules that prescribe reasonable guidelines under which an intensive supervision program shall operate. These rules shall include, but not be limited to, the following:

(a) The participant shall remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the correctional field officer.

(b) Approved absences from the home may include, but are not limited to, the following:

(i) Working or employment approved by the court or department and traveling to or from approved employment;

(ii) Unemployed and seeking employment approved for the participant by the court or department;

(iii) Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved for the participant by the court or department;

(iv) Attending an educational institution or a program approved for the participant by the court or department;

(v) Participating in community work release or a community service program approved for the participant by the court or department; or

(vi) For another compelling reason consistent with the public interest, as approved by the court or department.

(c) Except in case of a medical emergency and approval by the Commissioner of the Department of Corrections, or his designee, or by circuit court order for medical purposes, no participant in the intensive supervision program may leave the jurisdiction of the State of Mississippi.

(2) The department shall select and approve all electronic monitoring devices used under Sections 47-5-1001 through 47-5-1015.

(3) The department may lease the equipment necessary to implement the intensive supervision program and to contract for the monitoring of such devices. The department is authorized to select the lowest price and best source in contracting for these services.

SECTION 4. Section 47-5-1007, Mississippi Code of 1972, is reenacted as follows:

47-5-1007. (1) Any participant in the intensive supervision program who engages in employment shall pay a monthly fee to the department for each month such person is enrolled in the program. The department may waive the monthly fee if the offender is a full-time student or is engaged in vocational training. Juvenile

offenders shall pay a monthly fee of not less than Ten Dollars ($10.00) but not more than Fifty Dollars ($50.00) based on a sliding scale using the standard of need for each family that is used to calculate TANF benefits. Money received by the department from participants in the program shall be deposited into a special fund which is hereby created in the State Treasury. It shall be used, upon appropriation by the Legislature, for the purpose of helping to defray the costs involved in administering and supervising such program. Unexpended amounts remaining in such special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in such special fund shall be deposited to the credit of the special fund.

(2) The participant shall admit any correctional officer into his residence at any time for purposes of verifying the participant's compliance with the conditions of his detention.

(3) The participant shall make the necessary arrangements to allow for correctional officers to visit the participant's place of education or employment at any time, based upon the approval of the educational institution or employer, for the purpose of verifying the participant's compliance with the conditions of his detention.

(4) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the department at any time for the purpose of verifying the participant's compliance with the conditions of his detention.

(5) The participant shall be responsible for and shall maintain the following:

(a) A working telephone line in the participant's home;

(b) A monitoring device in the participant's home, or on the participant's person, or both; and

(c) A monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(6) The participant shall obtain approval from the correctional field officer before the participant changes residence.

(7) The participant shall not commit another crime during the period of home detention ordered by the court or department.

(8) Notice shall be given to the participant that violation of the order of home detention shall subject the participant to prosecution for the crime of escape as a felony.

(9) The participant shall abide by other conditions as set by the court or the department.

SECTION 5. Section 47-5-1009, Mississippi Code of 1972, is reenacted as follows:

47-5-1009. (1) The department shall have absolute immunity from liability for any injury resulting from a determination by a judge or correctional officer that an offender shall be allowed to participate in the electronic home detention program.

(2) The Department of Audit shall annually audit the records of the department to ensure compliance with Sections 47-5-1001 through 47-5-1015.

SECTION 6. Section 47-5-1011, Mississippi Code of 1972, is reenacted as follows:

47-5-1011. (1) Before entering an order for commitment for electronic house arrest, the department shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by doing the following:

(a) Securing the written consent of the participant in the program to comply with the rules and regulations of the program.

(b) Advising adult persons residing in the home of the participant at the time an order or commitment for electronic house arrest is entered and asking such persons to acknowledge the nature and extent of approved electronic monitoring devices.

(c) Insuring that the approved electronic devices are minimally intrusive upon the privacy of other persons residing in the home while remaining in compliance with Sections 47-5-1001 through 47-5-1015.

(2) The participant shall be responsible for the cost of equipment and any damage to such equipment. Any intentional damage, any attempt to defeat monitoring, any committing of a

criminal offense or any associating with felons or known criminals, shall constitute a violation of the program.

(3) Any person whose residence is utilized in the program shall agree to keep the home drug and alcohol free and to exclude known felons and criminals in order to provide a noncriminal environment.

SECTION 7. Section 47-5-1013, Mississippi Code of 1972, is reenacted as follows:

47-5-1013. Participants enrolled in an intensive supervision program shall be required to:

(a) Maintain employment if physically able, or full-time student status at an approved school or vocational trade, and make progress deemed satisfactory to the correctional field officer, or both, or be involved in supervised job searches.

(b) Pay restitution and program fees as directed by the department. Program fees shall not be less than Eighty-eight Dollars ($88.00) per month. The sentencing judge may charge a program fee of less than Eighty-eight Dollars ($88.00) per month in cases of extreme financial hardship, when such judge determines that the offender's participation in the program would provide a benefit to his community. Juvenile offenders shall not pay a program fee but shall pay a monthly fee as provided in Section 47-5-1007. Program fees shall be deposited in the special fund created in Section 47-5-1007.

(c) Establish a place of residence at a place approved by the correctional field officer, and not change his residence without the officer's approval. The correctional officer shall be allowed to inspect the place of residence for alcoholic beverages, controlled substances and drug paraphernalia.

(d) Remain at his place of residence at all times except to go to work, to attend school, to perform community service and as specifically allowed in each instance by the correctional field officer.

(e) Allow administration of drug and alcohol tests as requested by the field officer.

(f) Perform not less than ten (10) hours of community service each month.

(g) Meet any other conditions imposed by the court to meet the needs of the offender and limit the risks to the community.

SECTION 8. Section 47-5-1014, Mississippi Code of 1972, is reenacted as follows:

47-5-1014. (1) Participants who have been in the intensive supervision program since July 1, 2004, whether placed into the program before or after July 1, 2004, shall pay a Fifty Dollar ($50.00) monthly supervision fee to the Mississippi Department of Corrections for their supervision from July 1, 2004, or from the date the participant entered the program after July 1, 2004, until completion of the program, or April 6, 2005, or whichever occurs

first. From and after April 6, 2005, all participants of the intensive supervision program shall pay the fee as established in Section 47-5-1013.

(2) The Department of Corrections shall use its best effort to collect the monthly supervision fees in arrearage under this section.

(3) A participant's failure to pay the monthly fees in arrearage shall not be deemed a violation of a condition of the program, and the participant shall not be removed from the program for failure to pay the monthly fees in arrearage.

(4) This section shall not apply to any fees incurred after April 6, 2005.

(5) Any arrearage remaining under this section at the end of the offender's participation in the program shall automatically be reduced to a civil judgment and upon notice by the Department of Corrections shall be recorded with the circuit court clerk in the county wherein the participant resides. The Department of Corrections and/or the district attorney shall use best efforts to collect the judgment.

SECTION 9. Section 47-5-1015, Mississippi Code of 1972, is amended as follows:

47-5-1015. Sections 47-5-1001 through 47-5-1015 shall stand repealed after June 30, * * * 2025.

SECTION 10. This act shall take effect and be in force from and after June 30, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 567

Description: Radar; revise population threshold for municipal law enforcement to use on public streets of municipality.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/13	(H) Referred To Transportation; Judiciary B
2	01/26	(H) DR - TSDPCS: TR To JB
3	01/27	(H) DR - TSDPCS: JB To TR
4	01/27	(H) Title Suff Do Pass Comm Sub
5	02/03	(H) Committee Substitute Adopted
6	02/03	(H) Passed {Vote}
7	02/04	(H) Transmitted To Senate
8	02/11	(S) Referred To Highways and Transportation
9	02/23	(S) Title Suff Do Pass
10	02/24	(S) Passed {Vote}
11	02/24	(S) Immediate Release
12	02/24	(S) Returned For Enrolling
13	02/24	(H) Enrolled Bill Signed
14	02/25	(S) Enrolled Bill Signed
15	03/03	Approved by Governor

Code Section: A 063-0003-0519

----- Additional Information -----

House Committee: Transportation, Judiciary B
Senate Committee: Highways and Transportation

Principal Author: Harness

Title: AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972, TO REVISE THE POPULATION THRESHOLD FOR MUNICIPAL LAW ENFORCEMENT OFFICERS TO USE RADAR SPEED DETECTION EQUIPMENT UPON THE PUBLIC STREETS OF THE MUNICIPALITY; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 567

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Harness

To: Transportation; Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 567

AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972, TO REVISE THE POPULATION THRESHOLD FOR MUNICIPAL LAW ENFORCEMENT OFFICERS TO USE RADAR SPEED DETECTION EQUIPMENT UPON THE PUBLIC STREETS OF THE MUNICIPALITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-3-519, Mississippi Code of 1972, is amended as follows:

63-3-519. It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used:

(a) By municipal law enforcement officers within a municipality having a population of two thousand (2,000) or more <u>according to the latest or a previous federal census</u> upon the public streets of the municipality<u>, but in no case where the latest federal census population for the municipality is less than one thousand five hundred (1,500)</u>;

(b) By any college or university campus police force within the confines of any campus wherein more than two thousand (2,000) students are enrolled;

(c) By municipal law enforcement officers in any municipality having a population in excess of fifteen thousand (15,000) according to the latest federal census on federally designated highways lying within the corporate limits.

The Mississippi Highway Safety Patrol shall be immediately notified by municipal law enforcement of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 687

Description: Mississippi Debt Management Services Act; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Banking and Financial Services
2	01/25	(H)	Title Suff Do Pass As Amended
3	02/08	(H)	Amended
4	02/08	(H)	Passed As Amended {Vote}
5	02/10	(H)	Transmitted To Senate
6	02/11	(S)	Referred To Business and Financial Institutions
7	02/22	(S)	Title Suff Do Pass
8	03/02	(S)	Passed {Vote}
9	03/03	(S)	Returned For Enrolling
10	03/03	(H)	Enrolled Bill Signed
11	03/04	(S)	Enrolled Bill Signed
12	03/09		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Code Section: R 081-0022-0001, R 081-0022-0003, R 081-0022-0005, R 081-0022-0007, R 081-0022-0009, R 081-0022-0011, R 081-0022-0013, R 081-0022-0015, R 081-0022-0017, R 081-0022-0019, R 081-0022-0021, R 081-0022-0023, R 081-0022-0025, R 081-0022-0027, R 081-0022-0028, A 081-0022-0031

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: Roberson
Additional Authors: Stamps

Title: AN ACT TO REENACT SECTIONS 81-22-1 THROUGH 81-22-28, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; TO AMEND SECTION 81-22-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Roberson, Stamps

To: Banking and Financial Services

HOUSE BILL NO. 687
(As Passed the House)

AN ACT TO REENACT SECTIONS 81-22-1 THROUGH 81-22-28, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; TO AMEND SECTION 81-22-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-22-1, Mississippi Code of 1972, is reenacted as follows:

81-22-1. This chapter may be known and cited as the "Mississippi Debt Management Services Act."

SECTION 2. Section 81-22-3, Mississippi Code of 1972, is reenacted as follows:

81-22-3. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

(a) "Commissioner" means the Commissioner of Banking and Consumer Finance of the State of Mississippi.

(b) "Debt management service" means:

(i) The receiving of money from a consumer for the purpose of distributing one or more payments to or among one or more creditors of the consumer in full or partial payment of the consumer's obligation;

(ii) Arranging or assisting a consumer to arrange for the distribution of one or more payments to or among one or more creditors of the consumer in full or partial payment of the consumer's obligation;

(iii) Exercising control, directly or indirectly, or arranging for the exercise of control over funds of the consumer for the purpose of distributing payments to or among one or more creditors of the consumer;

(iv) Acting or offering to act as an intermediary between a consumer and one or more creditors of the consumer for the purpose of adjusting, compromising, negotiating, settling, discharging or otherwise deferring, reducing or altering the terms of payment of the consumer's obligation; or

(v) Improving or offering to improve a consumer's credit record, history or rating.

(c) "Debt management service provider" means a person that provides or offers to provide to a consumer in this state any debt management services, in return for a fee or other consideration. "Debt management service provider" does not include:

(i) Those situations involving debt adjusting incurred incidentally in the lawful practice of law in this state;

(ii) Those situations involving credit report error correction services and situations covered under paragraph (b)(v) of this section when performed in the lawful practice of law in this state;

(iii) Title insurers who adjust debts out of escrow funds only incidentally in the regular course of their principal business;

(iv) Judicial officers or others acting under court orders;

(v) Those situations involving debt adjusting incurred incidentally in connection with the lawful practice as a certified public accountant;

(vi) Bona fide trade or mercantile associations in the course of arranging adjustment of debts with business establishments;

(vii) Employers who adjust debts for their employees;

(viii) Any person who, at the request of a debtor, makes a loan to the debtor, and who, at the authorization of the debtor, acts as an adjuster of the debtor's debts solely in the disbursement of the proceeds of the loan, without compensation for the services rendered in adjusting the debts;

(ix) Any institution that is regulated, supervised or licensed by the department or any out-of-state institution that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration;

(x) Licensed attorneys engaged in the lawful practice of law; or

(xi) For-profit debt management service providers who do not receive or hold consumer funds, who do not receive a fee until a settlement is approved by the consumer and who are regulated by the Federal Trade Commission.

(d) "Department" means the Department of Banking and Consumer Finance of the State of Mississippi.

(e) "Fair share contribution" means voluntary contributions paid to the licensee by the creditor for collecting funds from clients pursuant to debt management services.

(f) "Licensee" means a person or entity who is required to be licensed as a debt management service provider.

(g) "Person" means an individual or an organization.

(h) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

(i) "Third-party payment processor" means any entity that holds, or has access to, or can effectuate possession of, by any means, the monies of a licensee's debtors, or distributes, or is in the chain or distribution of such monies, to the creditors of such debtors, pursuant to an agreement or contract with the licensee. This term shall not include entities that solely provide the electronic routing and settlement of financial transactions and their sponsoring banks.

SECTION 3. Section 81-22-5, Mississippi Code of 1972, is reenacted as follows:

81-22-5. (1) **Licensure and relicensure.** No person or entity may act as a debt management service provider with respect to consumers who are residents of this state without a license issued under this chapter. The license application must be in a form prescribed by the commissioner. The commissioner may refuse the application if it contains erroneous or incomplete information. A license may not be issued unless the commissioner, upon investigation, finds that the financial soundness and responsibility, insurance coverage, consumer education programs and services component, character and fitness of the applicant and, when applicable, its partners, officers or directors, warrant belief that the business will be operated honestly and fairly within the purposes of this chapter. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license, the

applicant shall pay to the commissioner a license fee of Seven Hundred Fifty Dollars ($750.00), and on or before December 31 of each year thereafter, an annual renewal fee of Four Hundred Seventy-five Dollars ($475.00). If the annual renewal fee remains unpaid after December 31, the license shall expire. If any person engages in business as provided for in this chapter without paying the license fee provided for in this subsection before beginning business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars ($25.00) for each day that the person has engaged in such business without a license or after the expiration of a license. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the department.

(2) **Action on registration application.** The commissioner shall take action on an application within thirty (30) days after the commissioner has accepted the application as complete. Upon written request, the applicant is entitled to a hearing on the question of the applicant's qualifications for license if the commissioner has notified the applicant in writing that the application has been denied or the commissioner has not issued a license within thirty (30) days after the application for the license was accepted as complete by the commissioner. A request for a hearing may not be made more than sixty (60) days after the application was accepted as complete or the commissioner has

mailed a written notice to the applicant stating that the application has been denied and stating the reasons for the denial of the application.

SECTION 4. Section 81-22-7, Mississippi Code of 1972, is reenacted as follows:

81-22-7. To be eligible for a license, an applicant shall file with the commissioner a bond with good security in the penal sum of Fifty Thousand Dollars ($50,000.00), payable to the State of Mississippi for the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed and the prompt payment of any judgment that may be recovered against the licensee on account of charges or other claims arising directly or collectively from any violation of the provisions of this chapter. The applicant may file, in lieu of the bond, cash, a certificate of deposit or government bonds in the amount of Fifty Thousand Dollars ($50,000.00). Those deposits shall be filed with the commissioner and are subject to the same terms and conditions as are provided for in the surety bond required in this paragraph. Any interest or earnings on those deposits are payable to the depositor.

SECTION 5. Section 81-22-9, Mississippi Code of 1972, is reenacted as follows:

81-22-9. (1) **Funds deposited in escrow account.** The debt management service provider shall deposit, within two (2) business days of receipt, all funds received from or on behalf of a

consumer for payment to a creditor or creditors in a federally insured escrow account for the benefit of the consumer in a supervised financial organization. Any escrow account established to receive consumer funds is free from trustee process and unavailable to creditors of the debt management service provider.

(2) **Requirements for handling of funds.** The debt management service provider shall:

(a) Maintain separate records of account for each consumer receiving debt management services;

(b) Remit funds received from or on behalf of a consumer to the consumer's creditor or creditors within fifteen (15) business days of receipt of the funds; and

(c) Correct or remedy any misdirected payments resulting from an error by the debt management service provider and reimburse the consumer for any actual costs or fees imposed by a creditor as a result of such misdirection.

(3) **Commingling of funds.** The debt management service provider may not commingle escrow accounts established for the benefit of consumers with any operating accounts of the debt management service provider.

SECTION 6. Section 81-22-11, Mississippi Code of 1972, is reenacted as follows:

81-22-11. (1) **Written agreement.** A debt management service provider may not perform debt management services for a consumer unless the consumer and the debt management service provider first

have executed a written agreement with regard to the debt management services to be provided. A copy of the completed agreement must be given to the consumer.

(2) **Required provisions.** Each agreement between a consumer and a debt management service provider must be dated and signed by the consumer and must include the following:

(a) The name and address of the consumer and the debt management service provider;

(b) A full description of the services to be performed for the consumer, any fees to be charged to the consumer for those services and any contributions, fees or charges the consumer has agreed to make or pay to the debt management service provider;

(c) Disclosure of the existence of the surety bond on file with the commissioner under Section 81-22-7 and a notice that the consumer may contact the Department of Banking and Consumer Finance at P.O. Box 23729, Jackson, MS 39225-3729 or 1-800-844-2499 with any questions or complaints regarding the debt management service provider;

(d) The identification of the federally insured institution where funds remitted by a consumer for payment to one or more creditors will be held;

(e) The right of a party to cancel the agreement by providing a written notice of cancellation to the other party;

(f) A complete list of the consumer's obligations that are subject to the agreement and the names and addresses of the creditors holding those obligations;

(g) A full description and schedule of the periodic amounts to be remitted to the debt management service provider for payment to the consumer's creditor or creditors and the amounts to be remitted to each creditor;

(h) A notice to the consumer that by executing the agreement the consumer authorizes the federally insured institution to disclose financial records relating to the escrow account in which the consumer's funds are held under Section 81-22-9 to the commissioner during the course of any examination of the debt management service provider by the commissioner; and

(i) The following notice:

NOTICE TO CONSUMER: Do not sign this agreement before you read it. You must be given a copy of this agreement.

SECTION 7. Section 81-22-13, Mississippi Code of 1972, is reenacted as follows:

81-22-13. A debt service management provider may only charge a consumer the following fees for providing debt management services:

(a) A maintenance fee not to exceed Thirty Dollars ($30.00) per month after a consumer has received a free initial counseling session;

(b) A one-time setup fee not to exceed Seventy-five Dollars ($75.00);

(c) A fee for obtaining the consumer's credit report not to exceed Fifteen Dollars ($15.00) for an individual report or Twenty-five Dollars ($25.00) for a joint report;

(d) A fee not to exceed Fifty Dollars ($50.00) for educational courses/products that will assist the consumer in achieving financial stability. Products shall be educational in nature and may include, but not be limited to, the following topics: Home Buyer Education, Financial Literacy Education, and Credit Report Review. However, the consumer must be informed that those courses and products are not a mandatory condition to receive debt management services; and

(e) A bankruptcy consultation fee, not to exceed Fifty Dollars ($50.00) per consumer, may be charged by nonprofit credit counseling agencies approved by the U.S. Trustees pursuant to 11 USC Section 111.

SECTION 8. Section 81-22-15, Mississippi Code of 1972, is reenacted as follows:

81-22-15. (1) **Written reports to consumers.** A debt management service provider shall provide to each consumer receiving debt management services periodic written reports accounting for funds received from the consumer for payment to the consumer's creditor or creditors whose obligations are listed in the consumer's agreement with the debt management service provider

and disbursements made to each such creditor on the consumer's behalf since the last report. The debt management service provider shall provide those reports to the consumer not less than once each calendar quarter.

(2) **Maintenance of records.** Any person required to be licensed under this chapter shall maintain in its offices, or such other location as the department permits, the books, accounts and records necessary for the department to determine whether or not the person is complying with the provisions of this chapter and the rules and regulations adopted by the department under this chapter. These books, accounts and records shall be maintained apart and separate from any other business in which the person is involved. A debt management service provider shall maintain books and records for each consumer for whom it provides debt management services for six (6) years following the final transaction with the consumer.

(3) **Verification of payments to creditors.** Licensees that participate in fair share contributions with creditors shall maintain records that reflect client accounts were credited for the full amount of any payments due and not the net amount as a result of a fair share contribution. Such records may consist of either a copy of the client's statement from the creditor or the licensee may send a monthly or quarterly statement to clients that reflect payments remitted to creditors.

(4) Within fifteen (15) days of the occurrence of any of the following events, a licensee shall file a written report with the commissioner describing the event and its expected impact on the activities on the licensee's business in this state:

(a) The filing for bankruptcy or reorganization by the licensee;

(b) The institution of revocation or suspension proceedings against the licensee by any state or governmental authority; or

(c) Any felony indictment or conviction of the licensee or any of its directors or principal officers.

SECTION 9. Section 81-22-17, Mississippi Code of 1972, is reenacted as follows:

81-22-17. The commissioner may exercise the following powers and functions:

(a) **Complaint investigation.** The commissioner may receive and act on complaints, take action to obtain voluntary compliance with this chapter or refer cases to the Attorney General, who shall appear for and represent the commissioner in court.

(b) **Rules.** The commissioner may adopt reasonable administrative regulations, not inconsistent with law, for the enforcement of this chapter.

(c) **Examination of licensees.** To assure compliance with the provisions of this chapter, the department may examine

the books and records of any licensee without notice during normal business hours. The commissioner shall charge the licensee an examination fee in an amount not less than Three Hundred Dollars ($300.00) nor more than Six Hundred Dollars ($600.00) for each office or location within the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer complaint and/or other exigent reasons as determined by the commissioner.

(d) **Examination of nonlicensees.** The department, its designated officers and employees, or its duly authorized representatives, for the purposes of discovering violations of this chapter and for the purpose of determining whether any person or individual reasonably suspected by the commissioner of conducting business that requires a license under this chapter, may investigate those persons and individuals and examine all relevant books, records and papers employed by those persons or individuals in the transaction of business, and may summon witnesses and examine them under oath concerning matters as to the business of those persons, or other such matters as may be relevant to the discovery of violations of this chapter, including, without limitation, the conduct of business without a license as required under this chapter.

SECTION 10. Section 81-22-19, Mississippi Code of 1972, is reenacted as follows:

81-22-19. A debt management service provider may not:

(a) **Purchase debt.** Purchase any debt or obligation of a consumer;

(b) **Lend money.** Lend money or provide credit to any consumer;

(c) **Mortgage interest.** Obtain a mortgage or other security interest in property of a consumer;

(d) **Debt collector.** Operate as a debt collector in this state; or

(e) **Negative amortization.** Structure an agreement for the consumer that, at the conclusion of the projected term for the consumer's participation in the debt management service agreement, would result in negative amortization of any of the consumer's obligations to creditors.

SECTION 11. Section 81-22-21, Mississippi Code of 1972, is reenacted as follows:

81-22-21. (1) **False advertising.** A debt management service provider may not engage in this state in false or misleading advertising concerning the terms and conditions of any services or assistance offered.

(2) **Required words.** A debt management service provider may not advertise its services in Mississippi in any media

disseminated primarily in this state, whether print or electronic, without the words "Licensed Debt Management Service Provider."

(3) **Dissemination; no liability.** This section does not impose liability on the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

SECTION 12. Section 81-22-23, Mississippi Code of 1972, is reenacted as follows:

81-22-23. (1) **Violations; unfair, unconscionable or deceptive practices.** A debt management service provider that violates any provision of this chapter or any rule adopted by the commissioner, or that through any unfair, unconscionable or deceptive practice causes actual damage to a consumer is subject to enforcement action under subsection (2) of this section.

(2) **Enforcement actions.** The following enforcement actions may be taken by the commissioner or an aggrieved consumer against a debt management service provider for violations of any provision of this chapter or any rule adopted under this chapter, or for unfair, unconscionable or deceptive practices that cause actual damage to a consumer:

(a) When the commissioner has reasonable cause to believe that a person is violating any provision of this chapter, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this chapter, may enter an order requiring the person to stop or to refrain from the violation.

The commissioner may sue in any chancery court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction;

(b) The commissioner may, after notice and hearing, impose a civil penalty against any licensee if the licensee, individual required to be registered, or employee is adjudged by the commissioner to be in violation of the provisions of this chapter. The civil penalty shall not exceed Five Hundred Dollars ($500.00) per violation and shall be deposited into the Consumer Finance Fund of the department;

(c) The state may enforce its rights under the surety bond as required in Section 81-22-7 as an available remedy for the collection of any civil penalties, criminal fines or costs of investigation and/or prosecution incurred;

(d) A civil action by an aggrieved consumer in which that consumer has the right to recover actual damages from the debt management service provider in an amount determined by the court plus costs of the action together with reasonable attorney's fees; or

(e) Revocation, suspension or nonrenewal of the debt management service provider's license under Section 81-22-25.

SECTION 13. Section 81-22-25, Mississippi Code of 1972, is reenacted as follows:

81-22-25. (1) **Suspension or revocation.** After notice and hearing, the commissioner may suspend or revoke a debt management service provider's license if the commissioner finds that one of the conditions of subsection (2) of this section is met.

(2) **Conditions for suspension or revocation.** The following conditions are grounds for suspension or revocation of a registration:

(a) A fact or condition exists that, if it had existed at the time when the licensee applied for a license, would have been grounds for denying the application;

(b) The licensee knowingly violates a material provision of this chapter or rule or order validly adopted by the commissioner under authority of this chapter;

(c) The licensee is insolvent;

(d) The licensee refuses to permit the commissioner to make an examination authorized by this chapter; or

(e) The licensee fails to respond within a reasonable time and in an appropriate manner to communications from the commissioner.

SECTION 14. Section 81-22-27, Mississippi Code of 1972, is reenacted as follows:

81-22-27. The commissioner may employ the necessary full-time employees above the number of permanent full-time employees authorized for the department for the fiscal year 2003, to carry out and enforce the provisions of this chapter. The

commissioner also may expend the necessary funds and equip and provide necessary travel expenses for those employees.

SECTION 15. Section 81-22-28, Mississippi Code of 1972, is reenacted as follows:

81-22-28. (1) If a licensee seeks to utilize a third-party payment processor, to hold, have access to, effectuate possession of, by any means, or to distribute or be in the chain of distribution of the monies of another licensee's consumers, the licensee shall give the Department of Banking and Consumer Finance ten (10) days' written notice.

(2) Such notice shall contain the name and address of the third-party payment processor, a description of the services, a copy of the agreement or contract between the licensee and the third-party payment processor and the highest daily amount of consumer funds to be held or transmitted. The third-party payment processor shall submit to the department, upon request, the highest daily amount held or transmitted during the previous month.

(3) Each third-party payment processor shall file with the commissioner a surety bond, issued by a bonding company or insurance company authorized to do business in the State of Mississippi, in the principal sum of Fifty Thousand Dollars ($50,000.00) and in an additional principal sum of Fifty Thousand Dollars ($50,000.00) for each additional licensee it contracts with, but in no event shall the bond be required to be in excess

of One Hundred Fifty Thousand Dollars ($150,000.00). In lieu of the surety bond, a third-party payment processor may file other assets such as cash, a certificate of deposit or government bonds.

(4) A licensee shall not use a third-party payment processor until the licensee receives written notice from the department confirming that the department has received a surety bond or other assets from the third-party payment processor.

(5) Prior to performing any of its services, the third-party payment processor shall provide written authorization for the department to examine all books, records, documents and materials, including those maintained in electronic form, as they relate to the consumers' monies held by, or distributed by the third-party payment processor to the creditors of the consumers and shall have received written confirmation from the department that the written authorization is sufficient. The cost of the examination shall be paid by the licensee.

(6) All agreements or contracts between a licensee and a third-party payment processor shall provide for a thirty-day written notice of termination to the party against whom termination is being sought. A licensee shall immediately notify the department in writing of the notice of termination.

(7) In the event a licensee elects to maintain cash, a certificate of deposit or government bonds on deposit, and utilizes the services of a third-party payment processor, there is no requirement that the third-party payment processor obtain a

surety bond or maintain other assets on deposit with the department.

SECTION 16. Section 81-22-31, Mississippi Code of 1972, is amended as follows:

81-22-31. Sections 81-22-1 through 81-22-28, Mississippi Code of 1972, shall stand repealed on July 1, * * * 2026.

SECTION 17. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 689

Description: Community Service Revolving Fund; extend repealer on authority to collect fees from paroled offenders for deposit into.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: June 30, 2022

History of Actions:

1	01/17	(H) Referred To Judiciary B
2	01/25	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/11	(S) Referred To Corrections
6	02/22	(S) Title Suff Do Pass As Amended
7	03/02	(S) Amendment Failed
8	03/02	(S) Passed {Vote}
9	03/03	(S) Returned For Enrolling
10	03/03	(H) Enrolled Bill Signed
11	03/04	(S) Enrolled Bill Signed
12	03/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1Lost Voice Vote

Code Section: A 047-0007-0049

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Corrections

Principal Author: Roberson

Title: AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COLLECT MONTHLY FEES FROM OFFENDERS WHO ARE ON PROBATION, PAROLE OR ANY OTHER FIELD SUPERVISION AND TO DEPOSIT THOSE FEES INTO THE COMMUNITY SERVICE REVOLVING FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson To: Judiciary B

HOUSE BILL NO. 689

AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COLLECT MONTHLY FEES FROM OFFENDERS WHO ARE ON PROBATION, PAROLE OR ANY OTHER FIELD SUPERVISION AND TO DEPOSIT THOSE FEES INTO THE COMMUNITY SERVICE REVOLVING FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-7-49, Mississippi Code of 1972, is amended as follows:

47-7-49. (1) Any offender on probation, parole, earned-release supervision, post-release supervision, earned probation or any other offender under the field supervision of the Community Services Division of the department shall pay to the department the sum of Fifty-five Dollars ($55.00) per month by certified check or money order unless a hardship waiver is granted. An offender shall make the initial payment within sixty (60) days after being released from imprisonment unless a hardship waiver is granted. A hardship waiver may be granted by the sentencing court or the Department of Corrections. A hardship waiver may not be granted for a period of time exceeding ninety

(90) days. The commissioner or his designee shall deposit Fifty Dollars ($50.00) of each payment received into a special fund in the State Treasury, which is hereby created, to be known as the Community Service Revolving Fund. Expenditures from this fund shall be made for: (a) the establishment of restitution and satellite centers; and (b) the establishment, administration and operation of the department's Drug Identification Program and the intensive and field supervision program. The Fifty Dollars ($50.00) may be used for salaries and to purchase equipment, supplies and vehicles to be used by the Community Services Division in the performance of its duties. Expenditures for the purposes established in this section may be made from the fund upon requisition by the commissioner, or his designee.

Of the remaining amount, Three Dollars ($3.00) of each payment shall be deposited into the Crime Victims' Compensation Fund created in Section 99-41-29, and Two Dollars ($2.00) shall be deposited into the Training Revolving Fund created pursuant to Section 47-7-51. When a person is convicted of a felony in this state, in addition to any other sentence it may impose, the court may, in its discretion, order the offender to pay a state assessment not to exceed the greater of One Thousand Dollars ($1,000.00) or the maximum fine that may be imposed for the offense, into the Crime Victims' Compensation Fund created pursuant to Section 99-41-29.

Any federal funds made available to the department for training or for training facilities, equipment or services shall be deposited into the Correctional Training Revolving Fund created in Section 47-7-51. The funds deposited in this account shall be used to support an expansion of the department's training program to include the renovation of facilities for training purposes, purchase of equipment and contracting of training services with community colleges in the state.

No offender shall be required to make this payment for a period of time longer than ten (10) years.

(2) The offender may be imprisoned until the payments are made if the offender is financially able to make the payments and the court in the county where the offender resides so finds, subject to the limitations hereinafter set out. The offender shall not be imprisoned if the offender is financially unable to make the payments and so states to the court in writing, under oath, and the court so finds.

(3) This section shall stand repealed from and after June 30, * * * 2025.

SECTION 2. This act shall take effect and be in force from and after June 30, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 720

Description: Mississippi Department of Employment Security; provide requirements related to fraud prevention, detection and recovery.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: January 1, 2023

History of Actions:

1	01/17	(H)	Referred To Workforce Development
2	01/31	(H)	Title Suff Do Pass
3	02/03	(H)	Passed {Vote}
4	02/04	(H)	Transmitted To Senate
5	02/11	(S)	Referred To Economic and Workforce Development
6	02/24	(S)	Title Suff Do Pass
7	03/07	(S)	Passed {Vote}
8	03/08	(S)	Returned For Enrolling
9	03/09	(H)	Enrolled Bill Signed
10	03/10	(S)	Enrolled Bill Signed
11	03/16		Approved by Governor

----- Additional Information -----

House Committee: Workforce Development
Senate Committee: Economic and Workforce Development

Principal Author: Bell (21st)
Additional Authors: Gunn

Title: AN ACT TO PROVIDE THE MINIMUM REQUIREMENTS THAT THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY MUST MEET RELATED TO ITS ACTIVITIES CONCERNING FRAUD PREVENTION, DETECTION AND RECOVERY; TO REQUIRE THE DEPARTMENT TO FOCUS UPON THE PREVENTION AND DETECTION OF FRAUD WITH RESPECT TO THE PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS AND THE COLLECTION OF TAX CONTRIBUTIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Bell (21st), Gunn To: Workforce Development

HOUSE BILL NO. 720

AN ACT TO PROVIDE THE MINIMUM REQUIREMENTS THAT THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY MUST MEET RELATED TO ITS ACTIVITIES CONCERNING FRAUD PREVENTION, DETECTION AND RECOVERY; TO REQUIRE THE DEPARTMENT TO FOCUS UPON THE PREVENTION AND DETECTION OF FRAUD WITH RESPECT TO THE PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS AND THE COLLECTION OF TAX CONTRIBUTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This section describes the minimum requirements that the Mississippi Department of Employment Security must meet related to its activities concerning fraud prevention, detection and recovery.

(1) The Mississippi Department of Employment Security ("department") shall focus upon the prevention and detection of fraud with respect to the payment of unemployment insurance benefits and the collection of tax contributions. In furtherance of these goals, the department shall take the following steps to enhance its recovery efforts:

(a) The executive director of the department shall adopt and implement internal administrative policies, business processes and regulations as necessary to:

(i) Pursue recovery of improper overpayments of unemployment benefits to the extent permitted by state and federal law;

(ii) Require all employers to promptly notify the department within ten (10) business days of an individual's refusal of an offer of suitable work;

(iii) Authorize the department to use all available technological resources, including the Integrity Data Hub and the National Directory of New Hires, or any other sources, to verify newly hired and re-hired employees reported under state and federal law, in a manner which shall facilitate the reduction of fraudulent unemployment insurance applications;

(iv) Authorize the department to use any available technological resources to verify by cross-match, or any other current method, any and all claims associated with potentially fraudulent applications or overpayments reported under state and federal law;

(v) Create a regulation governing the frequency that new hire and incarceration verification is checked; and

(vi) Authorize the department to require employers to promptly respond to all cross-match wage requests.

(2) To further the department's efforts in the area of fraud prevention, detection, and recovery of fraudulently obtained unemployment insurance benefits:

(a) The department shall be authorized to take all enforcement and administrative steps appropriate to ensure claimants who refuse offers of suitable work do not receive undue unemployment benefits and are referred to the appropriate office for internal investigation;

(b) All state agencies, political subdivisions, including, but not limited to, any and all state law enforcement entities, shall promptly respond to all requests for information from the department for the prevention and detection of fraud and the recovery of fraudulently paid benefits or improperly withheld unemployment insurance tax contributions. No state political subdivision may impede or delay any fraud prevention, detection or recovery efforts of the department; and

(c) All state agencies, departments, divisions, boards and other political subdivisions shall be required to share data for the prevention and detection of fraud and the recovery of fraudulent paid benefits or improperly withheld unemployment insurance tax contributions with the department to enable the detection and prevention of unemployment insurance fraud. The department shall have the authority to execute a memorandum of understanding with any state agency, department, division, board or other political subdivision for information required to be

shared between agencies for the purposes outlined in this section.

(3) The department shall be authorized to promulgate any and all necessary rules and regulations, at the discretion of the executive director or his or her designee, to implement the provisions of this section in keeping with its mission of fraud prevention, detection, and recovery, in accordance with Section 71-5-117.

SECTION 2. This act shall take effect and be in force from and after January 1, 2023.

Mississippi Legislature
2022 Regular Session

House Bill 779

Description: Law Enforcement Death Benefits Trust Fund; include cause of death covered under First Responders Act of 2020.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H) Referred To Appropriations
2	02/01	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/17	(S) Referred To Appropriations
6	03/01	(S) Title Suff Do Pass
7	03/03	(S) Passed {Vote}
8	03/03	(S) Immediate Release
9	03/03	(S) Returned For Enrolling
10	03/03	(H) Enrolled Bill Signed
11	03/04	(S) Enrolled Bill Signed
12	03/10	Approved by Governor

Code Section: A 045-0002-0001

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Gunn
Additional Authors: Aguirre *, Miles, Felsher, Carpenter, Ford (73rd), Lancaster, Scoggin, Haney, Stamps, Foster

Title: AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEFINITION OF CAUSE OF DEATH FOR THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND INCLUDES ANY CAUSE OF DEATH THAT WOULD BE COVERED UNDER THE SAFEGUARDING AMERICA'S FIRST RESPONDERS ACT OF 2020; TO PROVIDE FOR THE TRANSFER OF FUNDS FROM THE CORONAVIRUS STATE

FISCAL RECOVERY FUND TO THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Gunn, Aguirre (By Request), Miles, Felsher, Carpenter, Ford (73rd), Lancaster, Scoggin, Haney, Stamps, Foster

To: Appropriations

HOUSE BILL NO. 779

AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEFINITION OF CAUSE OF DEATH FOR THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND INCLUDES ANY CAUSE OF DEATH THAT WOULD BE COVERED UNDER THE SAFEGUARDING AMERICA'S FIRST RESPONDERS ACT OF 2020; TO PROVIDE FOR THE TRANSFER OF FUNDS FROM THE CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-2-1, Mississippi Code of 1972, is amended as follows:

45-2-1. (1) Whenever used in this section, the term:

(a) "Covered individual" means a law enforcement officer or firefighter, including volunteer firefighters, as defined in this section when employed by an employer as defined in this section; it does not include employees of independent contractors.

(b) "Employer" means a state board, commission, department, division, bureau or agency, or a county, municipality or other political subdivision of the state, which employs, appoints or otherwise engages the services of covered individuals.

(c) "Firefighter" means an individual who is trained for the prevention and control of loss of life and property from fire or other emergencies, who is assigned to firefighting activity, and is required to respond to alarms and perform emergency actions at the location of a fire, hazardous materials or other emergency incident.

(d) "Law enforcement officer" means any lawfully sworn officer or employee of the state or any political subdivision of the state whose duties require the officer or employee to investigate, pursue, apprehend, arrest, transport or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime, whether the officer is on regular duty on full-time status, an auxiliary or reserve officer, or is serving on a temporary or part-time status.

(e) "Cause of death" means any cause of death that would be covered under the Public Safety Officers' Benefits Act of 1976 * * *, the Hometown Heroes Survivors Benefits Act of 2003, generally codified at 42 USCS Chapter 46, or the Safeguarding America's First Responders Act of 2020.

(2) (a) The Department of Public Safety shall make a payment, as provided in this section, in the amount of One Hundred Thousand Dollars ($100,000.00) when a covered individual, while engaged in the performance of the person's official duties, dies or receives accidental or intentional bodily injury that results in the loss of the covered individual's life and such death is the

result of a covered cause of death, provided that the death is not the result of suicide and that the bodily injury is not intentionally self-inflicted.

(b) The payment provided for in this subsection shall be made to the beneficiary who was designated in writing by the covered individual, signed by the covered individual and delivered to the employer during the covered individual's lifetime. If no such designation is made, then the payment shall be made to the surviving child or children and spouse in equal portions, and if there is no surviving child or spouse, then to the parent or parents. If a beneficiary is not designated and there is no surviving child, spouse or parent, then the payment shall be made to the covered individual's estate.

(c) The payment made in this subsection is in addition to any workers' compensation or pension benefits and is exempt from the claims and demands of creditors of the covered individual.

(3) (a) There is established in the State Treasury a special fund to be known as the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund. The trust fund shall be funded by an initial appropriation of Two Hundred Thousand Dollars ($200,000.00), and shall be comprised of any additional funds made available by the Legislature or by donation, contribution, gift or any other source.

(b) The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the funds of the Public Employees' Retirement System under Section 25-11-121, and those investments shall be subject to the limitations prescribed by Section 25-11-121.

(c) Unexpended amounts remaining in the trust fund at the end of the state fiscal year shall not lapse into the State General Fund, and any income earned on amounts in the trust fund shall be deposited to the credit of the trust fund. However, any unexpended amounts transferred in accordance with Section 2 of this act and remaining in the trust fund at the end of the state fiscal year shall lapse into the Coronavirus State Fiscal Recovery Fund.

(4) The Department of Public Safety shall be responsible for the management of the trust fund and the disbursement of death benefits authorized under this section. The Department of Public Safety shall adopt rules and regulations necessary to implement and standardize the payment of death benefits under this section, to administer the trust fund created by this section and to carry out the purposes of this section.

SECTION 2. Upon the effective date of this act, the State Fiscal Officer shall transfer the sum of Five Million Dollars ($5,000,000.00) from the Coronavirus State Fiscal Recovery Fund to the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 823

Description: Mississippi Electronic Protection Licensing Act; revise regarding battery-charged security fences.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Insurance
2	01/31	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/09	(H) Committee Substitute Adopted
5	02/09	(H) Passed {Vote}
6	02/10	(H) Transmitted To Senate
7	02/11	(S) Referred To Insurance
8	02/22	(S) Title Suff Do Pass
9	03/02	(S) Passed {Vote}
10	03/03	(S) Returned For Enrolling
11	03/03	(H) Enrolled Bill Signed
12	03/04	(S) Enrolled Bill Signed
13	03/09	Approved by Governor

Code Section: A 073-0069-0005, A 073-0069-0027

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance

Principal Author: Zuber

Title: AN ACT TO AMEND SECTION 73-69-5, MISSISSIPPI CODE OF 1972, TO DEFINE A BATTERY-CHARGED SECURITY FENCE; TO AMEND SECTION 73-69-27, MISSISSIPPI CODE OF 1972, TO PROHIBIT MUNICIPALITIES OR COUNTIES FROM REGULATING BATTERY-CHARGED SECURITY FENCES AND BATTERY-CHARGED SECURITY FENCE CONTRACTING; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Zuber To: Insurance

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 823

AN ACT TO AMEND SECTION 73-69-5, MISSISSIPPI CODE OF 1972, TO DEFINE A BATTERY-CHARGED SECURITY FENCE; TO AMEND SECTION 73-69-27, MISSISSIPPI CODE OF 1972, TO PROHIBIT MUNICIPALITIES OR COUNTIES FROM REGULATING BATTERY-CHARGED SECURITY FENCES AND BATTERY-CHARGED SECURITY FENCE CONTRACTING; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-69-5, Mississippi Code of 1972, is amended as follows:

73-69-5. As used in this chapter, the following terms shall have the meanings specified in this section:

(a) "Alarm contracting" means providing an electronic protective system to another, including, but not limited to, the design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection or servicing of an electronic protective system; holding one's self or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation directly.

(b) "Alarm contracting company" means an entity that holds a Class A license issued by the State Fire Marshal pursuant to this chapter.

(c) "Alarm verification" means an attempt by a monitoring company or its representative to contact a burglar alarm location or a burglar alarm user by telephone or other electronic means to determine whether a burglar alarm signal is valid in an attempt to avoid unnecessary police response before requesting law enforcement to be dispatched to the location. Alarm verification further means that at least a second call shall be made to a different number if the first attempt fails to reach an alarm user. All persons licensed to monitor alarms in Mississippi shall employ alarm verification standards as defined in the latest version of ANSI/CSAA CS-V-01, for all burglar alarm signals except for hold-up alarms.

(d) "Board" means the Electronic Protection Advisory Licensing Board.

(e) "Burglar alarm" or "burglar alarm system" or "intrusion detection system" or "electronic protective system" means an alarm, alarm system or portion of such an alarm or system that is intended to detect or warn of an intrusion or other emergency in a structure. Such systems shall be certified per the latest version of ANSI/SIA CP01.

(f) "Company" means a proprietorship, partnership, corporation, limited liability company or any other entity.

(g) "Designated agent" means an owner or employee who holds a Class B license of an alarm contracting company who has been assigned the responsibility of submitting any notice required by this chapter to the State Fire Marshal.

(h) "Supervision" means direct on-site supervision by a qualified license holder for the duties being performed.

(i) "Electronic protective system" means a device or a series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual or electronic signal intended to detect or warn of a threat to a structure or emergency to or from its occupants. This term shall include a battery-charged security fence, burglar alarm system, intrusion detection system, closed-circuit video system or electronic access control system, all as defined in this chapter, or a portion or combination of such alarms or systems. However, the term "electronic protective system" shall not include the following: (i) an alarm system installed in a motor vehicle; (ii) a burglar alarm system, or household fire warning system sold at retail to an individual end user for self-installation; (iii) a single-station fire alarm system sold at retail to an individual end user for self-installation or installed by a fire department, the State Fire Marshal Office, a public agency, a volunteer fire association or their designated representatives.

(j) "Employee" means a person who performs services for wages or salary.

(k) "Employer" means a person or entity who hires another to perform services for a wage or salary.

(l) "Individual license" means a Class B, C, D or H license issued by the State Fire Marshal pursuant to this chapter.

(m) "Licensee" means a person or entity to which a license is granted pursuant to this chapter.

(n) "Officer" means the president, vice president, secretary, treasurer, comptroller or any other person who performs functions for an alarm contracting company, corresponding to those performed by those officers.

(o) "Operating location" means a physical address that houses or maintains records of clients.

(p) "Person" means a natural person or individual.

(q) "Principal" means a person or entity that owns at least twenty percent (20%) of an alarm contracting company regardless of the form of organization.

(r) "Salesperson" means a person who solicits another on behalf of an alarm contracting company by door-to-door personal interaction, or a person who participates in the design, planning, specification or layout of an electronic protective system on behalf of an alarm contracting company.

(s) "Closed-circuit video system" means an electronic protective system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and

recording of visual signals through the use of cameras, receivers, monitors and other visual imaging systems.

(t) "Electronic access control system" means an electronic protective system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon their possession of an item (which requires a decoder), a code or physical characteristic (biometrics).

(u) "Smoke alarm" means a single- or multiple-station alarm responsive to smoke.

(v) "Single-station alarm" means a detector comprising an assembly that incorporates sensor, control components and an alarm notification appliance in one (1) unit operated from a power source either located in the unit or obtained at the point of installation.

(w) "Multiple-station alarm" means two (2) or more single-station alarm devices that can be interconnected so that actuation of one causes all integral or separate audible alarms to operate; or one (1) single-station alarm device having connections to other detectors or to a manual fire alarm box.

(x) "Heat detector" means a fire detector that detects either abnormally high temperature or rate-of-temperature rise, or both.

(y) "Battery-charged security fence" means an alarm system and ancillary components, or equipment attached to such a

system, including, but not limited to: a fence, a battery-operated energizer which is intended to periodically deliver voltage impulses to the fence connected to it, and a battery charging device used exclusively to charge the battery. The battery-charged security fence shall meet all the following requirements:

(i) Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business and/or law enforcement in response to an intrusion or burglary;

(ii) Is located on property that is not designated by a municipality or county exclusively for residential use;

(iii) Has an energizer that is powered by a commercial storage battery that is not more than twelve (12) volts of direct current;

(iv) Has an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, current edition;

(v) Is surrounded by a nonelectric perimeter fence or wall that is not less than five (5) feet in height;

(vi) Does not exceed ten (10) feet in height or two (2) feet higher than the nonelectric perimeter fence or wall described in subparagraph (v) of this paragraph, whichever is higher;

(vii) Is marked with conspicuous warning signs that are located on the battery-charged security fence at not more than 30-feet intervals and that reads: "WARNING—ELECTRIC FENCE".

SECTION 2. Section 73-69-27, Mississippi Code of 1972, is amended as follows:

73-69-27. (1) Except for requirements which pertain to all types of businesses generally, no county or municipality shall enact any new ordinance, rule or regulation regulating companies and persons subject to licensure pursuant to this chapter.

(2) This chapter shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm contracting, and such ordinances, rules and regulations shall be null, void and of no effect.

(3) Additionally, this chapter shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm contracting, battery-charged security fence contracting, closed-circuit video system contracting or electronic access control system contracting and such ordinances, rules and regulations shall be null, void and of no effect.

(4) Notwithstanding any other law to the contrary, a municipality or county may not adopt or enforce an ordinance, order or regulation that:

(a) Requires a permit or fee for the installation or use of a battery-charged security fence that is in addition to an alarm system permit issued by the municipality or county; no further permit or fee shall be required for the battery-charged security fence;

(b) Imposes installation or operational requirements for the battery-charged security fence that are inconsistent with the requirements and standards described in Section 73-69-5(y); or

(c) Prohibits the installation or use of a battery-charged security fence.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 843

Description: County or municipal Medicare eligible employees; make clarification regarding ability to receive certain supplemental compensation.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To County Affairs
2	01/24	(H) Title Suff Do Pass Comm Sub
3	01/25	(H) Committee Substitute Adopted
4	01/25	(H) Passed {Vote}
5	01/26	(H) Transmitted To Senate
6	02/15	(S) Referred To County Affairs
7	02/23	(S) Title Suff Do Pass As Amended
8	03/07	(S) Amended
9	03/07	(S) Passed As Amended {Vote}
10	03/08	(S) Returned For Concurrence
11	03/09	(H) Concurred in Amend From Senate {Vote}
12	03/11	(H) Enrolled Bill Signed
13	03/11	(S) Enrolled Bill Signed
14	03/17	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 843

Code Section: A 025-0015-0103

----- Additional Information -----

House Committee: County Affairs
Senate Committee: County Affairs

Principal Author: Byrd
Additional Authors: Reynolds

Title: AN ACT TO AMEND SECTION 25-15-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OFFER SUPPLEMENTAL

COMPENSATION TO EMPLOYEES WHO DECLINE COVERAGE UNDER THEIR GROUP INSURANCE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Byrd, Reynolds To: County Affairs

HOUSE BILL NO. 843
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-15-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OFFER SUPPLEMENTAL COMPENSATION TO EMPLOYEES WHO DECLINE COVERAGE UNDER THEIR GROUP INSURANCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-15-103, Mississippi Code of 1972, is amended as follows:

25-15-103. (1) The maximum amount of group insurance or other coverage used in determining employer's limitation of one hundred percent (100%) of such costs shall be determined by regulations promulgated by the governing board or head of any political subdivision, school district, junior college district, institution, department or agency named in Section 25-15-101 and this section, but the life insurance for each employee shall not exceed Fifty Thousand Dollars ($50,000.00), or the amount of deduction allowed by the United States Internal Revenue Service in filing a federal tax return, whichever is greater. A like amount may be for accidental death, accident, health and salary protection insurance, providing benefits not exceeding sixty

percent (60%) of the employee's income, or the amount allowed by the United States Internal Revenue Service in filing a federal tax return, whichever is greater. Hospitalization benefits for room and board may not exceed the average semiprivate cost per day; and the other coverages authorized hereinabove. The limitations in this subsection on the amount of group insurance and other coverage which employers may obtain for their employees shall not be applicable to municipalities.

(2) Any employee who retires due to one hundred percent (100%) medical disability, or due to reaching the statutory age of retirement under the provisions of the Public Employees' Retirement Law of 1952, being Sections 25-11-101 through 25-11-139, may, if he elects, remain a member of the group plan for such life insurance and other benefits as may be agreed to by the governing board or institution, department, or agency head and the companies writing such insurance and other coverage, by paying the entire costs thereof.

(3) When any of the political subdivisions, school districts, junior college districts, institutions, departments, or agencies named in Section 25-15-101 and this section have adopted the group coverage plan authorized by said sections, any of the employees thereof participating in the plan who desire to secure additional benefits for their dependents with the company or companies providing such group coverage may do so by authorizing in writing the deduction from his or her salary or wages of the

necessary amounts for the full payment of such additional coverage, and the same may be deducted and paid for such purposes, but the entire cost of such additional coverage for dependents shall be paid by the employee.

(4) (a) A municipality may provide group life insurance coverage for all or specified groups of its public employees and group hospitalization benefits for such public employees and their dependents, and the municipality may pay the total of the cost of all benefits under this section.

(b) A county may provide group life insurance coverage for all or specified groups of its public employees and group hospitalization benefits for such public employees and their dependents, and the county may pay the total of the cost of all benefits under this section. A county may make such provision, as specified under this paragraph, retroactively for any existing group coverage plan previously adopted by the county.

(5) * * * The board of supervisors of any county or the governing authorities of any municipality may offer supplemental compensation to its employees, or other persons otherwise eligible for the county's or municipality's group insurance, in an amount to be determined from time to time by the county or municipality if such person declines coverage under the group insurance; however, in no event shall the supplemental compensation exceed the county's or municipality's cost for such person to participate in the group insurance. Before such supplemental compensation may

be provided in any year, the person shall, on an annual basis, provide verifiable proof of coverage under another permissible plan.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 920

Description: Inmate Welfare Fund; authorize portion of fund to be used to fund Inmate Incentive to Work Program.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Corrections; Appropriations
2	01/24	(H) DR - TSDP: CN To AP
3	02/01	(H) DR - TSDP: AP To CN
4	02/01	(H) Title Suff Do Pass
5	02/08	(H) Passed {Vote}
6	02/09	(H) Transmitted To Senate
7	02/11	(S) Referred To Corrections; Appropriations
8	02/24	(S) DR - TSDP: CR To AP
9	03/01	(S) Title Suff Do Pass
10	03/07	(S) Passed {Vote}
11	03/08	(S) Returned For Enrolling
12	03/09	(H) Enrolled Bill Signed
13	03/10	(S) Enrolled Bill Signed
14	03/16	Approved by Governor

Code Section: A 047-0005-0158

----- Additional Information -----

House Committee: Corrections, Appropriations
Senate Committee: Corrections, Appropriations

Principal Author: Horan
Additional Authors: Stamps

Title: AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CREATE THE INMATE INCENTIVE TO WORK PROGRAM; TO PROVIDE THAT THE PROGRAM SHALL PROVIDE PAYMENT TO ELIGIBLE INMATES HOUSED IN STATE CORRECTIONAL FACILITIES; TO CREATE A SPECIAL FUND ENTITLED "THE INMATE INCENTIVE TO WORK PROGRAM FUND", WHICH SHALL BE FUNDED BY A PORTION OF THE INMATE WELFARE FUND; TO

AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 920

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Horan, Stamps

To: Corrections; Appropriations

HOUSE BILL NO. 920

AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CREATE THE INMATE INCENTIVE TO WORK PROGRAM; TO PROVIDE THAT THE PROGRAM SHALL PROVIDE PAYMENT TO ELIGIBLE INMATES HOUSED IN STATE CORRECTIONAL FACILITIES; TO CREATE A SPECIAL FUND ENTITLED "THE INMATE INCENTIVE TO WORK PROGRAM FUND", WHICH SHALL BE FUNDED BY A PORTION OF THE INMATE WELFARE FUND; TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) The Department of Corrections is authorized to create the Inmate Incentive to Work Program. The program shall be made available for eligible inmates housed in state correctional facilities and shall provide certain pay upon work performed in the program. The work offered by inmates shall consist of a wide range of jobs that require varying skill levels.

(b) The department shall adopt rules and regulations as necessary regarding the eligibility of the program as well as the amount of payment to be received by inmates for their work. Inmates who are unable to work or who are in cell confinement shall not be eligible to participate in the program.

(2) There is hereby created a special fund to be known as the "Inmate Incentive to Work Program Fund" to be maintained in a bank to be selected by the Commissioner of the Department of Corrections. It shall be the duty of the bank, so long as it retains such deposits, to make monthly reports to the State Treasurer of the State of Mississippi as to the condition of the funds on deposit in the depository. Such funds shall be used for the payment of inmates who are participants in the Inmate Incentive to Work Program, and the fund shall be funded as provided under Section 47-5-158(b).

SECTION 2. Section 47-5-158, Mississippi Code of 1972, is amended as follows:

47-5-158. (1) The department is authorized to maintain a bank account which shall be designated as the Inmate Welfare Fund. All monies now held in a similar fund or in a bank account or accounts for the benefit and welfare of inmates shall be deposited into the Inmate Welfare Fund. This fund shall be used for the benefit and welfare of inmates in the custody of the department and shall be expended in accordance with any provisions or restrictions in the regulations promulgated under subsection (7) of this section.

(2) There shall be deposited into the Inmate Welfare Fund interest previously earned on inmate deposits, all net profits from the operation of inmate canteens, performances of the Penitentiary band, interest earned on the Inmate Welfare Fund and

other revenues designated by the commissioner. All * * * monies shall be deposited into the Inmate Welfare Fund as provided in Section 7-9-21.

(3) All inmate telephone call commissions shall be paid to the department. Monies in the fund may be expended by the department, upon requisition by the commissioner or his designee, only for the purposes established in this subsection.

(a) Twenty-five percent (25%) of the inmate telephone call commissions shall be used to purchase and maintain telecommunication equipment to be used by the department.

(b) Until July 1, 2008, twenty-five percent (25%) of the inmate telephone call commissions shall be deposited into the Prison Agricultural Enterprise Fund. Beginning on July 1, 2008, thirty-five percent (35%) of the inmate telephone call commissions shall be deposited into the Prison Agricultural Enterprise Fund. The department may use these funds to supplement the Prison Agricultural Enterprise Fund created in Section 47-5-66.

(c) Forty percent (40%) of the inmate telephone call commissions shall be deposited into the Inmate Welfare Fund.

(4) The commissioner may invest in the manner authorized by law any money in the Inmate Welfare Fund that is not necessary for immediate use, and the interest earned shall be deposited in the Inmate Welfare Fund.

(5) The Deputy Commissioner for Administration and Finance shall establish and implement internal accounting controls for the

Inmate Welfare Fund that comply with generally accepted accounting principles and regulations of the Department of Finance and Administration. The Deputy Commissioner for Administration and Finance shall prepare and issue quarterly consolidated and individual facility financial statements to the prison auditor of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. The deputy commissioner shall prepare an annual report which shall include a summary of expenditures from the fund by major categories and by individual facility. This annual report shall be sent to the prison auditor, the Legislative Budget Office, the Chairman of the Corrections Committee of the Senate, and the Chairman of the Corrections Committee of the House of Representatives.

(6) (a) A portion of the Inmate Welfare Fund shall be deposited in the Discharged Offenders Revolving Fund, as created under Section 47-5-155, in amounts necessary to provide a balance not to exceed One Hundred Thousand Dollars ($100,000.00) in the Discharged Offenders Revolving Fund, and shall be used to supplement those amounts paid to discharged, paroled or pardoned offenders from the department. The superintendent of the Parchman facility shall establish equitable criteria for the making of supplemental payments which shall not exceed Two Hundred Dollars ($200.00) for any offender. The supplemental payments shall be subject to the approval of the commissioner. The State Treasurer shall not be required to replenish the Discharged Offenders

Revolving Fund for the supplemental payments made to discharged, paroled or pardoned offenders.

(b) A portion of the Inmate Welfare Fund shall be deposited into the Inmate Incentive to Work Program Fund, as created under Section 1 of this act, in amounts necessary to provide a balance not to exceed One Million Dollars ($1,000,000.00) in the fund. Such fund shall be utilized to pay inmates who are participants in the Inmate Incentive to Work Program as created under Section 1 of this act.

(7) (a) The Inmate Welfare Fund Committee is hereby created and shall be composed of nine (9) members: The Deputy Commissioner for Community Corrections, the Deputy Commissioner of Institutions, the Superintendent of the Parchman facility, the Superintendent of the Rankin County facility, the Superintendent of the Greene County facility, the State Treasurer, the State Auditor, and two (2) members to be appointed by the Commissioner of Corrections, one (1) of whom must have a relative incarcerated by the department at the time of appointment and shall be a representative of inmate families. The commissioner shall appoint the chairman of the committee. The committee shall administer and supervise the operations and expenditures from the Inmate Welfare Fund and shall maintain an official minute book upon which shall be spread its authorization and approval for all such expenditures. The committee shall promulgate regulations governing the use and expenditures of the fund.

(b) Regulations adopted shall set out what types of items shall be allowable purchases, and in all cases, the minutes of the committee shall explain which regulation permits any purchase it approves. Additionally, regulations of the committee shall prescribe the number of members necessary to constitute a quorum, minimum attendance requirements for a member to retain a seat on the committee, and a mission statement for the committee.

(c) The committee shall conduct an annual needs assessment to determine what types of items should be purchased for the benefit of inmates. The needs assessments shall be conducted with the assistance of the department personnel, inmates and the families of inmates.

(d) The committee shall evaluate the proposals of interested third parties for the administration of inmate canteen services as provided in Section 47-5-109.1.

(8) The Department of Audit shall conduct an annual comprehensive special audit of the committee's use of the Inmate Welfare Fund. The department shall incorporate in its special audit report any recommendations it has concerning the financial and management control practices of the committee. The department shall report its findings and recommendations to the Chairmen of the Senate and House Corrections Committees.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 927

Description: Newborn screening program; include those conditions listed on the Recommended Uniform Screening Panel within three years after listing.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Public Health and Human Services
2	01/25	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/11	(S) Referred To Public Health and Welfare
6	03/01	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/08	(S) Returned For Enrolling
9	03/09	(H) Enrolled Bill Signed
10	03/10	(S) Enrolled Bill Signed
11	03/16	Approved by Governor

Code Section: A 041-0021-0201, A 041-0021-0203

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: McGee

Title: AN ACT TO AMEND SECTION 41-21-201, MISSISSIPPI CODE OF 1972, TO REVISE THE CONDITIONS TESTED FOR IN THE COMPREHENSIVE NEWBORN SCREENING PROGRAM TO INCLUDE THOSE CONDITIONS THAT ARE LISTED ON THE RECOMMENDED UNIFORM SCREENING PANEL (RUSP); TO REQUIRE THE STATE BOARD OF HEALTH TO ENSURE THAT EACH CONDITION LISTED ON THE RUSP IS INCLUDED IN THE NEWBORN SCREENING PROGRAM WITHIN THREE YEARS AFTER BEING ADDED TO THE RUSP; TO PROVIDE THAT IF THE DEPARTMENT DOES NOT INCLUDE A RUSP-LISTED CONDITION IN THE NEWBORN SCREENING PROGRAM

WITHIN THREE YEARS, THE DEPARTMENT SHALL PROVIDE A REPORT ON THE STATUS AND REASONS FOR THE DELAY TO THE HOUSE AND SENATE PUBLIC HEALTH COMMITTEES ONCE A YEAR AFTER THE THREE-YEAR PERIOD; TO AMEND SECTION 41-21-203, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative McGee

To: Public Health and Human Services

HOUSE BILL NO. 927

AN ACT TO AMEND SECTION 41-21-201, MISSISSIPPI CODE OF 1972, TO REVISE THE CONDITIONS TESTED FOR IN THE COMPREHENSIVE NEWBORN SCREENING PROGRAM TO INCLUDE THOSE CONDITIONS THAT ARE LISTED ON THE RECOMMENDED UNIFORM SCREENING PANEL (RUSP); TO REQUIRE THE STATE BOARD OF HEALTH TO ENSURE THAT EACH CONDITION LISTED ON THE RUSP IS INCLUDED IN THE NEWBORN SCREENING PROGRAM WITHIN THREE YEARS AFTER BEING ADDED TO THE RUSP; TO PROVIDE THAT IF THE DEPARTMENT DOES NOT INCLUDE A RUSP-LISTED CONDITION IN THE NEWBORN SCREENING PROGRAM WITHIN THREE YEARS, THE DEPARTMENT SHALL PROVIDE A REPORT ON THE STATUS AND REASONS FOR THE DELAY TO THE HOUSE AND SENATE PUBLIC HEALTH COMMITTEES ONCE A YEAR AFTER THE THREE-YEAR PERIOD; TO AMEND SECTION 41-21-203, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-21-201, Mississippi Code of 1972, is amended as follows:

41-21-201. (1) The State Department of Health shall establish, maintain and carry out a comprehensive newborn screening program designed to detect hypothyroidism, phenylketonuria (PKU), hemoglobinopathy, congenital adrenal hyperplasia (CAH), galactosemia, <u>any other conditions listed on the Recommended Uniform Screening Panel (RUSP),</u> and such other conditions as specified by the State Board of Health * * *. The

State Board of Health shall ensure that each condition listed on the RUSP is included in the comprehensive newborn screening program within three (3) years after being added to the RUSP and shall adopt any rules and regulations necessary to accomplish the program. If the department does not include a RUSP-listed condition in the comprehensive newborn screening program within three (3) years, the department shall provide a report on the status and reasons for the delay to the House and Senate Public Health Committees once a year after the three-year period.

(2) The State Board of Health shall determine and specify the conditions that will be included in the comprehensive newborn screening program in addition to those conditions named in subsection (1) of this section and any other conditions listed on the RUSP, upon the advice and recommendations of a genetics advisory committee * * *. The advisory committee shall be appointed by the Executive Director of the State Department of Health, and shall include at least two (2) pediatricians and one (1) consumer representative from a family that has experience with a newborn infant with an abnormal screening test. The State Department of Health shall maintain a list of each of the conditions included in the comprehensive newborn screening program, which shall be made available to physicians and other health care providers who are required to provide for newborn screening testing under Section 41-21-203.

(3) The State Department of Health shall develop information materials about newborn screening tests that are available, which may be used by physicians and other health care providers to inform pregnant women and parents.

SECTION 2. Section 41-21-203, Mississippi Code of 1972, is amended as follows:

41-21-203. (1) All newborn infants shall be screened by the physician or other health care provider attending the infant, using tests that have been approved by the State Board of Health, to detect those conditions listed in Section 41-21-201, any other conditions listed on the Recommended Uniform Screening Panel (RUSP), and the other conditions specified by the State Board of Health for the comprehensive newborn screening program. However, no such tests shall be given to any child whose parents object thereto on the grounds that the test conflicts with his religious practices or tenets. The tests provided under the comprehensive newborn screening program shall be evaluated in laboratories located in the United States. The State Department of Health shall follow up all positive tests with the attending physician or other health care provider who notified the department thereof, and with the parents of the newborn child. The services and facilities of the State Department of Health and those of other state boards, departments and agencies cooperating with the State Department of Health in carrying out the comprehensive newborn

screening program shall be made available to all newborn infants with abnormal screening tests.

(2) The State Department of Health shall provide ongoing epidemiologic surveillance of the comprehensive newborn screening program to determine the efficacy and cost effectiveness of screening newborn infants.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 990

Description: Memorial highway and bridge; designate in Warren County for Margaret Gilmer.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Transportation; Appropriations
2	01/20	(H)	DR - TSDP: TR To AP
3	01/27	(H)	DR - TSDP: AP To TR
4	01/27	(H)	Title Suff Do Pass
5	02/08	(H)	Amended
6	02/08	(H)	Passed As Amended {Vote}
7	02/10	(H)	Transmitted To Senate
8	02/11	(S)	Referred To Highways and Transportation
9	03/01	(S)	Title Suff Do Pass
10	03/08	(S)	Passed {Vote}
11	03/09	(S)	Returned For Enrolling
12	03/14	(H)	Enrolled Bill Signed
13	03/15	(S)	Enrolled Bill Signed
14	03/22		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Ford (54th)

Title: AN ACT TO DESIGNATE A CERTAIN BRIDGE ON INTERSTATE 20 FRONTAGE ROAD LOCATED IN WARREN COUNTY, MISSISSIPPI, AS THE "MARGARET GILMER MEMORIAL BRIDGE"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Ford (54th)

To: Transportation; Appropriations

HOUSE BILL NO. 990
(As Passed the House)

AN ACT TO DESIGNATE A CERTAIN BRIDGE ON INTERSTATE 20 FRONTAGE ROAD LOCATED IN WARREN COUNTY, MISSISSIPPI, AS THE "MARGARET GILMER MEMORIAL BRIDGE"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The bridge on Interstate 20 Frontage Road located in Warren County, Mississippi, in the City of Vicksburg, is designated and shall be known as the "Margaret Gilmer Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1002

Description: Memorial Highway; designate segment in Copiah County as the "Carroll V. Hood Memorial Highway".

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Transportation; Appropriations
2	01/26	(H) DR - TSDP: TR To AP
3	01/27	(H) DR - TSDP: AP To TR
4	01/27	(H) Title Suff Do Pass
5	02/10	(H) Passed {Vote}
6	02/10	(H) Motion to Reconsider Entered (Arnold, Busby, Massengill)
7	02/10	(H) Motion to Reconsider W/Drawn
8	02/11	(H) Transmitted To Senate
9	02/15	(S) Referred To Highways and Transportation
10	03/01	(S) Title Suff Do Pass
11	03/08	(S) Passed {Vote}
12	03/09	(S) Returned For Enrolling
13	03/11	(H) Enrolled Bill Signed
14	03/11	(S) Enrolled Bill Signed
15	03/17	Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Holloway
Additional Authors: Weathersby, Mangold

Title: AN ACT TO DESIGNATE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 28 LOCATED IN COPIAH COUNTY, MISSISSIPPI, AS THE "CARROLL V. HOOD MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1002

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Holloway, Weathersby, Mangold

To: Transportation; Appropriations

HOUSE BILL NO. 1002

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 28 LOCATED IN COPIAH COUNTY, MISSISSIPPI, AS THE "CARROLL V. HOOD MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 28 located in Copiah County, Mississippi, is designated and shall be known as the "Carroll V. Hood Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1017

Description: Justice court clerk; authorize two or more counties to enter into an agreement for the appointment of a.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To County Affairs
2	02/01	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/15	(S) Referred To County Affairs
6	02/23	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/08	(S) Returned For Enrolling
9	03/09	(H) Enrolled Bill Signed
10	03/10	(S) Enrolled Bill Signed
11	03/16	Approved by Governor

Code Section: A 009-0011-0027

----- Additional Information -----

House Committee: County Affairs
Senate Committee: County Affairs

Principal Author: Horan

Title: AN ACT TO AMEND SECTION 9-11-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE TWO OR MORE COUNTIES TO APPOINT ONE PERSON TO SERVE AS CLERK OF THE JUSTICE COURT SYSTEM FOR THE COUNTIES; TO PROVIDE THAT SUCH CLERK SHALL BE PAID AN AMOUNT MUTUALLY AGREED UPON AND ADOPTED BY RESOLUTION OF THE RESPECTIVE BOARDS OF SUPERVISORS; TO PROVIDE THAT SUCH COUNTIES MAY ALSO JOINTLY APPOINT OTHER EMPLOYEES OF THE JUSTICE COURT SYSTEM; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1017

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Horan To: County Affairs

HOUSE BILL NO. 1017

AN ACT TO AMEND SECTION 9-11-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE TWO OR MORE COUNTIES TO APPOINT ONE PERSON TO SERVE AS CLERK OF THE JUSTICE COURT SYSTEM FOR THE COUNTIES; TO PROVIDE THAT SUCH CLERK SHALL BE PAID AN AMOUNT MUTUALLY AGREED UPON AND ADOPTED BY RESOLUTION OF THE RESPECTIVE BOARDS OF SUPERVISORS; TO PROVIDE THAT SUCH COUNTIES MAY ALSO JOINTLY APPOINT OTHER EMPLOYEES OF THE JUSTICE COURT SYSTEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9-11-27, Mississippi Code of 1972, is amended as follows:

9-11-27. (1) Except as otherwise provided under this section, the board of supervisors of each county shall, at its own expense, appoint one (1) person to serve as clerk of the justice court system of the county, and may appoint such other employees for the justice court of the county as it deems necessary, including a person or persons to serve as deputy clerk or deputy clerks. The board of supervisors of each county with two (2) judicial districts may, at its own expense, appoint two (2) persons to serve as clerks of the justice court system of the county, one (1) for each judicial district, and may appoint such

other employees for the justice court system of the county as it deems necessary including persons to serve as deputy clerks. The clerk and deputy clerks shall be empowered to file and record actions and pleadings, to receive and receipt for monies, to acknowledge affidavits, to issue warrants in criminal cases upon direction by a justice court judge in the county, to approve the sufficiency of bonds in civil and criminal cases, to certify and issue copies of all records, documents and pleadings filed in the justice court and to issue all process necessary for the operation of the justice court. The clerk or deputy clerks may refuse to accept a personal check in payment of any fine or cost or to satisfy any other payment required to be made to the justice court. All orders from the justice court judge to the clerk of the justice court shall be written. All cases, civil and criminal, shall be assigned by the clerk to the justice court judges of the county in the manner provided in Section 11-9-105 and Section 99-33-2. A deputy clerk who works in an office separate from the clerk and who is the head deputy clerk of the separate office may be designated to be trained as a clerk as provided in Section 9-11-29.

(2) By August 1, 2015, and each year thereafter, the Administrative Office of Courts shall report the names of all justice court clerks who have failed to comply with the reporting requirements of Section 9-1-46 to the boards of supervisors that selected them. Each clerk shall be given three (3) months from

the date on which the board was given notice to come into compliance with the requirements of Section 9-1-46. The Administrative Office of Courts shall notify the board of supervisors of any justice court clerk who fails to come into compliance after the three-month notice required in this subsection. Any noncompliant clerks shall be terminated for failure to comply with Section 9-1-46 reporting requirement.

(3) From and after July 1, 2022, two (2) or more counties may, upon resolution duly adopted by the board of supervisors of each such counties, agree to appoint one (1) person to serve as clerk of the justice court system of the counties. When two (2) or more counties enter into such agreement, each county shall pay the amount mutually agreed upon and duly adopted by resolution of the respective boards of supervisors for the justice court clerk. If the boards of supervisors make an appointment as authorized under this subsection for a justice court clerk, the boards of supervisors may also appoint such other employees for the justice court system of the counties as it deems necessary, including a person or persons to serve as deputy clerk or deputy clerks. Such other employees, including a deputy clerk or deputy clerks, shall be paid an amount mutually agreed upon and duly adopted by resolution of the respective boards of supervisors.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1056

Description: Professional Counseling Compact; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Public Health and Human Services
2	01/27	(H)	Title Suff Do Pass Comm Sub
3	02/03	(H)	Committee Substitute Adopted
4	02/03	(H)	Passed {Vote}
5	02/04	(H)	Transmitted To Senate
6	02/15	(S)	Referred To Public Health and Welfare
7	03/01	(S)	Title Suff Do Pass
8	03/07	(S)	Passed {Vote}
9	03/08	(S)	Returned For Enrolling
10	03/09	(H)	Enrolled Bill Signed
11	03/10	(S)	Enrolled Bill Signed
12	03/16		Approved by Governor

Code Section: A 073-0030-0003, A 073-0030-0005, A 073-0030-0007, A 073-0030-0009, A 073-0030-0021, A 073-0030-0023, A 073-0030-0029

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Felsher

Title: AN ACT TO ENACT INTO LAW THE PROFESSIONAL COUNSELING COMPACT AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-30-3, 73-30-5, 73-30-7, 73-30-9, 73-30-21, 73-30-23 AND 73-30-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1056

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Felsher

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1056

AN ACT TO ENACT INTO LAW THE PROFESSIONAL COUNSELING COMPACT AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-30-3, 73-30-5, 73-30-7, 73-30-9, 73-30-21, 73-30-23 AND 73-30-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Professional Counseling Compact is enacted into law and entered into by this state with any and all states legally joining in the Compact in accordance with its terms, in the form substantially as follows:

PROFESSIONAL COUNSELING COMPACT

SECTION 1.

PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of states to protect

public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to professional counseling services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate practice for Licensed Professional Counselors;

4. Support spouses of relocating active duty military personnel;

5. Enhance the exchange of licensure, investigative and disciplinary information between member states;

6. Allow for the use of telehealth technology to facilitate increased access to professional counseling services;

7. Support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits;

8. Invest all member states with the authority to hold a Licensed Professional Counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses;

9. Eliminate the necessity for licenses in multiple States; and

10. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2.

DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 USC Chapters 1209 and 1211.

2. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, limitations on the licensee's practice, or any other encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

3. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a

professional counseling licensing board to address impaired practitioners.

4. "Continuing competence/education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

5. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

6. "Current significant investigative information" means:

a. Investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

b. Investigative information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

7. "Data system" means a repository of information about licensees, including, but not limited to, continuing

education, examination, licensure, investigative, privilege to practice and adverse action information.

8. "Encumbered license" means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and the adverse action has been reported to the National Practitioners Data Bank (NPDB).

9. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board.

10. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

11. "Home state" means the member state that is the licensee's primary state of residence.

12. "Impaired practitioner" means an individual who has a condition(s) that may impair his or her ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

13. "Investigative Information" means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation.

14. "Jurisprudence requirement," if required by a member state, means the assessment of an individual's knowledge of

the laws and rules governing the practice of professional counseling in a state.

15. "Licensed Professional Counselor" means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose and treat behavioral health conditions.

16. "Licensee" means an individual who currently holds an authorization from the state to practice as a Licensed Professional Counselor.

17. "Licensing board" means the agency of a state, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

18. "Member state" means a state that has enacted the Compact.

19. "Privilege to practice" means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state.

20. "Professional counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

21. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the privilege to practice.

22. "Rule" means a regulation promulgated by the Commission that has the force of law.

23. "Single-state license" means a Licensed Professional Counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

24. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of professional counseling.

25. "Telehealth" means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose and treat behavioral health conditions.

26. "Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of professional counseling.

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a state must currently:

1. License and regulate Licensed Professional Counselors;

2. Require licensees to pass a nationally recognized exam approved by the Commission;

3. Require licensees to have a sixty (60) semester-hour or ninety (90) quarter-hour master's degree in counseling or sixty (60) semester-hours or ninety (90) quarter-hours of graduate course work including the following topic areas:

a. Professional counseling orientation and ethical practice;

b. Social and cultural diversity;

c. Human growth and development;

d. Career development;

e. Counseling and helping relationships;

f. Group counseling and group work;

g. Diagnosis and treatment; assessment and testing;

h. Research and program evaluation; and

i. Other areas as determined by the Commission.

4. Require licensees to complete a supervised postgraduate professional experience as defined by the Commission;

5. Have a mechanism in place for receiving and investigating complaints about licensees.

B. A member state shall:

1. Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;

2. Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants

for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and use the results in making licensure decisions.

b. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

4. Comply with the rules of the Commission;

5. Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

6. Grant the privilege to practice to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules; and

7. Provide for the attendance of the state's commissioner to the Counseling Compact Commission meetings.

C. Member states may charge a fee for granting the privilege to practice.

D. Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting a privilege to practice professional counseling in any other member state.

E. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.

F. A license issued to a Licensed Professional Counselor by a home state to a resident in that state shall be recognized by each member state as authorizing a Licensed Professional Counselor to practice professional counseling, under a privilege to practice, in each member state.

SECTION 4.

PRIVILEGE TO PRACTICE

A. To exercise the privilege to practice under the terms and provisions of the Compact, the licensee shall:

1. Hold a license in the home state;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a privilege to practice in any member state in accordance with subsections D, G and H of this section;

4. Have not had any encumbrance or restriction against any license or privilege to practice within the previous two (2) years;

5. Notify the Commission that the licensee is seeking the privilege to practice within a remote state(s);

6. Pay any applicable fees, including any state fee, for the privilege to practice;

7. Meet any continuing competence/education requirements established by the home state;

8. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a privilege to practice; and

9. Report to the Commission any adverse action, encumbrance or restriction on license taken by any nonmember state within thirty (30) days from the date the action is taken.

B. The privilege to practice is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection A of this section to maintain the privilege to practice in the remote state.

C. A licensee providing professional counseling in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

D. A licensee providing professional counseling services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's privilege to practice in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a privilege to practice in any member state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the privilege to practice in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Have not had any encumbrance or restriction against any license or privilege to practice within the previous two (2) years.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection A of this section to obtain a privilege to practice in any remote state.

G. If a licensee's privilege to practice in any remote state is removed, the individual may lose the privilege to practice in all other remote states until the following occur:

1. The specific period of time for which the privilege to practice was removed has ended;

2. All fines have been paid; and

3. Has not had any encumbrance or restriction against any license or privilege to practice within the previous two (2) years.

H. Once the requirements of subsection G of this section have been met, the licensee must meet the requirements in subsection A of this section to obtain a privilege to practice in a remote state.

SECTION 5.

OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a home state license, which allows for a privilege to practice in other member states, in only one (1) member state at a time.

B. If a Licensed Professional Counselor changes primary state of residence by moving between two (2) member states:

1. The licensed professional counselor shall file an application for obtaining a new home state license based on a privilege to practice, pay all applicable fees and notify the current and new home state in accordance with applicable rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new home state license by virtue of a privilege to practice, the new home state shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 of this Compact

via the data system, without need for primary source verification except for:

a. A Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. Other criminal background check as required by the new home state; and

c. Completion of any requisite jurisprudence requirements of the new home state.

3. The former home state shall convert the former home state license into a privilege to practice once the new home state has activated the new home state license in accordance with applicable rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4 of this Compact, the new home state may apply its requirements for issuing a new single state license.

5. The Licensed Professional Counselor shall pay all applicable fees to the new home state in order to be issued a new home state license.

C. If a Licensed Professional Counselor changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state

criteria shall apply for issuance of a single state license in the new state.

D. Nothing in this Compact shall interfere with a licensee's ability to hold a single state license in multiple states, however for the purposes of this Compact, a licensee shall have only one home state license.

E. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.

SECTION 6.

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state, or through the process outlined in Section 5 of this Compact.

SECTION 7.

COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member states shall recognize the right of a Licensed Professional Counselor, licensed by a home state in accordance with Section 3 of this Compact and under rules promulgated by the Commission, to practice professional counseling in any member

state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.

B. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

SECTION 8.

ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against a Licensed Professional Counselor's privilege to practice within that member state.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Only the home state shall have the power to take adverse action against a Licensed Professional Counselor's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of a Licensed Professional Counselor who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, a member state may recover from the affected Licensed Professional Counselor the costs of investigations and disposition of cases resulting from any adverse action taken against that Licensed Professional Counselor.

E. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

F. Joint investigations.

1. In addition to the authority granted to a member state by its professional counseling practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If adverse action is taken by the home state against a Licensed Professional Counselor's license, the Licensed Professional Counselor's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a Licensed Professional Counselor shall include a statement that the Licensed Professional Counselor's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 9.

ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting and meetings.

1. Each member state shall have and be limited to one (1) delegate selected by that member state's licensing board.

2. The delegate shall be either:

a. A current member of the licensing board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the licensing board.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state licensing board shall fill any vacancy occurring on the Commission, within sixty (60) days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

8. The Commission shall by rule establish a term of office for delegates and may by rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property; real, personal or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of professional counseling licensure and practice.

D. The Executive Committee.

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of eleven (11) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting member from four (4) recognized national professional counselor organizations.

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any Commission Compact fee charged to licensees for the privilege to practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission.

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 11 of this Compact.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Noncompliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited

yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified immunity, defense and indemnification.

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining

his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 10.

DATA SYSTEM

A. The Commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or privilege to practice;

4. Nonconfidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. Current significant investigative information; and

7. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member

state contributing the information shall be removed from the data system.

SECTION 11.

RULEMAKING

A. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted under the Compact, then such an action by the Commission shall be invalid and have no force or effect.

B. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments shall become binding as of the date specified in each rule or amendment.

C. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

D. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance

of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each member professional counseling licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule shall be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not

held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;

2. Prevent a loss of Commission or member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 12.

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The executive, legislative and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated under this compact shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a

member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, technical assistance, and termination.

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

C. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by the Compact may be terminated on the effective date of termination. A cure of the

default does not relieve the offending state of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

E. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

G. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

H. Dispute resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 13.

DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth (10th) member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's professional counseling licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state

and a nonmember state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 14.

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 15.

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the

laws and regulations, including scope of practice, of the remote state.

B. Nothing in this Compact prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

C. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

D. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

E. All agreements between the Commission and the member states are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 2. Section 73-30-3, Mississippi Code of 1972, is amended as follows:

73-30-3. The following terms shall have the meaning ascribed herein unless the context shall otherwise require:

(a) "Licensed professional counselor" shall mean and is restricted to any person who holds himself or herself out to the public by any title or description of services incorporating the words licensed professional counselor or psychotherapist, and who

offers to render professional counseling or psychotherapy services to individuals, groups, organizations, corporations, institutions, government agencies or the general public for a fee, monetary or otherwise, implying that he or she is licensed or holds the privilege to practice.

(b) "Provisional licensed professional counselor" (P-LPC) shall mean and is restricted to any person who holds himself or herself out to the public by any title or description of services incorporating the words provisional licensed professional counselor or psychotherapist, and who offers to render professional counseling or psychotherapy services, under the supervision of a board qualified supervisor, to individuals, groups, organizations, corporations, institutions, government agencies or the general public for a fee, monetary or otherwise, implying that he or she is licensed.

(c) "Practice of counseling/psychotherapy" shall mean rendering, offering to render or supervising those who render to individuals, groups, organizations, corporations, institutions, government agencies or the general public any service involving the applications of counseling procedures and other related areas of the behavioral sciences to help in learning how to solve problems or make decisions related to personal growth, marriage, family or other interpersonal or intrapersonal concerns.

(d) "Counseling/psychotherapy procedures" shall mean the application of mental health, psychological or human

development principles, through cognitive, affective, behavioral or systematic intervention strategies that address wellness, personal growth or career development, as well as pathology. Counseling/psychotherapy involves diagnosis, assessment and treatment by use of the following:

(i) Counseling/psychotherapy methods and techniques, both verbal and nonverbal, which require the application of principles, methods or procedures of understanding, predicting and/or influencing behavior, and motivation;

(ii) Informational and community resources for personal or social development;

(iii) Group and/or placement methods and techniques which serve to further the goals of counseling;

(iv) Designing, conducting and interpreting research on human subjects or any consultation on any item above; and

(v) Appraisal techniques including, but not limited to, testing of achievement, abilities, interests, aptitudes and personality.

(e) "Fees for licensed counseling services" shall mean any form of compensation received for the practice of counseling.

(f) "Board" shall mean the Mississippi State Board of Examiners for Licensed Professional Counselors.

(g) "Privilege to practice" means the authorization to practice as a licensed professional counselor in this state under

the Professional Counseling Compact provided for in Section 1 of this act.

(h) "Licensee" means a person who has been issued a license to practice as a licensed professional counselor or a provisional licensed professional counselor in this state, or a person who holds the privilege to practice as a licensed professional counselor in this state.

SECTION 3. Section 73-30-5, Mississippi Code of 1972, is amended as follows:

73-30-5. (1) There is hereby established the Mississippi State Board of Examiners for Licensed Professional Counselors which shall consist of five (5) members. The initial appointments to the board shall consist of one (1) member from each of the five (5) congressional districts of Mississippi, who shall be appointed by the Governor with the advice and consent of the Senate. From and after January 1, 2004, the board shall be reconstituted to consist of five (5) members, one (1) member from each of the four (4) congressional districts, as such districts existed on January 1, 2002, and one (1) member to be selected from the state at large, who shall be appointed by the Governor with the advice and consent of the Senate. A list shall be provided to the Governor by the Mississippi Counseling Association from which the Governor may choose board members. At least two (2) names shall be included from each congressional district. Such appointments shall be made initially within sixty (60) days of the submission

of the list of qualified counselors by the Mississippi Counseling Association. Thereafter, all vacancies occurring on the board shall be filled by the Governor within sixty (60) days after the vacancy occurs. The Mississippi Counseling Association shall provide a list of suggested board members for each vacancy.

(2) The board shall consist of five (5) licensed counselors, three (3) of whom are primarily engaged as licensed counselors in private or institutional practice and two (2) who are primarily engaged in teaching, training or research in counseling at the corporate or university level. All members shall be qualified electors of the State of Mississippi.

(3) The initial appointments to the board shall be for staggered terms, to be designated by the Governor at the time of appointment as follows: two (2) members to serve for three (3) years, two (2) members to serve for two (2) years, and one (1) member to serve for one (1) year. When the board is reconstituted on January 1, 2004, all members serving on the board on that date shall continue to serve for a term of five (5) years from the beginning of the term to which he or she was appointed. From and after January 1, 2004, all subsequent appointments shall be for five-year terms. No board member shall succeed himself or herself without waiting a period of at least five (5) years after having served one (1) full five-year term. Members may hold office until their successors have been appointed and qualified, or a maximum of twelve (12) months after their term ends.

(4) There shall be appointed to the board no more than one (1) person who is employed by, or receives compensation from, any one (1) institution, organization or partnership at the time of appointment.

(5) Board members shall be reimbursed for necessary and ordinary expenses and mileage incurred while performing their duties as members of the board, at the rate authorized for public employees, from fees collected for license and privilege to practice applications and renewals.

SECTION 4. Section 73-30-7, Mississippi Code of 1972, is amended as follows:

73-30-7. (1) The members of the board shall take an oath to perform faithfully the duties of their office. The oath shall be administered by a person qualified by law to administer oaths. Upon taking the oath as board members, the initial members shall be deemed licensed counselors for all purposes under this chapter. Within thirty (30) days after taking the oath of office, the first board appointed under this chapter shall meet for an organizational meeting on call by the Governor. At such meeting and at an organizational meeting in January every odd-numbered year thereafter, the board shall elect from its members a chair, vice chair and secretary-treasurer to serve for terms of two (2) years.

(2) The board shall adopt rules and regulations in compliance with the Mississippi Administrative Procedures Law,

using the standards of the American Counseling Association as a guide, not inconsistent with this chapter, for the conduct of its business and the carrying out of its duties.

(3) After a person has applied for licensure, no member of the board may supervise such applicant for a fee, nor shall any member vote on any applicant previously supervised by that member.

(4) The board shall hold at least two (2) regular meetings each year, and additional meetings may be held upon the call of the chair of the board or at the written request of any four (4) members of the board.

(5) The board-approved examination for licensure shall be administered at least once a year. Examinations may be written, oral, situational, or any combination thereof, and shall deal with theoretical and applied fields in counseling. In written examinations, the examinee's name shall not be disclosed to any person grading the examination until that grading is complete.

(6) The board shall be empowered to make reasonable rules and regulations regarding its operation and to receive and disburse revenues derived from application, licensing, privilege to practice, examination and renewal fees. All monies received by the board shall be deposited in a special account in the State Treasury to be designated "Board of Examiners for Licensed Professional Counselors Account." This account shall fund all activities of the board.

(7) Upon the filing of a complaint by any citizen of this state with the board against a licensed professional counselor * * *, provisional licensed professional counselor or person who holds the privilege to practice or upon the board's own motion, the board may:

(a) Compel the attendance of witnesses;

(b) Request the production of books, documents and other papers;

(c) Administer oaths to witnesses; and

(d) Hear testimony and receive evidence concerning all matters within its jurisdiction.

(8) The members of the board are hereby individually exempt from any civil liability as a result of any action taken by the board.

SECTION 5. Section 73-30-9, Mississippi Code of 1972, is amended as follows:

73-30-9. (1) The board shall issue a license as a provisional licensed professional counselor, without regard to race, religion, sex or national origin, to each applicant who furnishes satisfactory evidence of the following:

(a) The applicant has completed an application on a form prescribed by the board accompanied by a nonrefundable application fee of Fifty Dollars ($50.00).

(b) The applicant is at least twenty-one (21) years of age.

(c) The applicant is of good moral character.

(d) The applicant is a citizen of the United States, or has an immigration document to verify legal alien work status in the United States. The immigration document must be current and issued by the United States Immigration Bureau.

(e) The applicant is not in violation of any of the provisions of this chapter and the rules and regulations adopted hereunder.

(f) The applicant shall have a minimum acceptable graduate semester hour or acceptable quarter-hour master's degree as determined by the board primarily in counseling or a related counseling field from a regionally or nationally accredited college or university program in counselor education or a related counseling program subject to board approval. All applicants shall provide official transcripts of all graduate work.

(g) The applicant must pass the examination approved by the board, as set forth in Section 73-30-7(5).

(h) A provisional license issued under this section shall require that the individual confine one's practice to a board-approved site and accrue counseling experience under the supervision of a board-qualified supervisor.

(i) The limited license shall be renewable for not more than four (4) years, with a nonrefundable license fee in the amount provided in Section 73-30-29. Licensees may appeal to the board for an extension of the renewal period.

(j) Each applicant for licensure shall apply to undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety and the Federal Bureau of Investigation Identification Division for this purpose.

(2) The board shall issue a license or the privilege to practice as a licensed professional counselor, without regard to race, religion, sex or national origin, to each applicant who furnishes satisfactory evidence of the following:

(a) The applicant has completed an application on a form prescribed by the board accompanied by a nonrefundable full application fee of Fifty Dollars ($50.00).

(b) The applicant is at least twenty-one (21) years of age.

(c) The applicant is of good moral character.

(d) The applicant is a citizen of the United States, or has an immigration document to verify legal alien work status in the United States. The immigration document must be current and issued by the United States Immigration Bureau.

(e) The applicant is not in violation of any of the provisions of this chapter and the rules and regulations adopted hereunder.

(f) The applicant shall have a minimum acceptable graduate semester hour or acceptable quarter-hour master's degree as determined by the board primarily in counseling or a related counseling field from a regionally or nationally accredited college or university program in counselor education or a related counseling program subject to board approval. All applicants shall provide official transcripts of all graduate work.

(g) The applicant for licensure must pass the examination approved by the board, as set forth in Section 73-30-7(5).

(h) The applicant has had post graduate supervised experience in professional counseling acceptable to the board. Applicant shall submit verification of supervised experience.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(i) The board shall require each first-time applicant for licensure or the initial privilege to practice and may require applicants for license renewal to undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant for licensure and each renewal applicant as required by the board shall apply to undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of

Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety and the Federal Bureau of Investigation Identification Division for this purpose.

(3) The board shall administer the privilege to practice in accordance with the Professional Licensing Compact.

SECTION 6. Section 73-30-21, Mississippi Code of 1972, is amended as follows:

73-30-21. (1) The board may, after notice and opportunity for a hearing, suspend, revoke or refuse to issue or renew a license or the privilege to practice or may reprimand the license holder or holder of the privilege to practice, upon a determination by the board that such license holder or holder of the privilege to practice or applicant for licensure or the privilege to practice has:

(a) Been adjudged by any court to be mentally incompetent or have had a guardian of person appointed;

(b) Been convicted of a felony;

(c) Sworn falsely under oath or affirmation;

(d) Obtained a license or certificate or the privilege to practice by fraud, deceit or other misrepresentation;

(e) Engaged in the conduct of professional counseling in a grossly negligent or incompetent manner;

(f) Intentionally violated any provision of this chapter;

(g) Violated any rules or regulations of the board; or

(h) Aided or assisted another in falsely obtaining a license or the privilege to practice under this chapter.

With regard to a refusal to issue a privilege to practice, such refusal by the board shall be in accordance with the terms of the Professional Licensing Compact instead of this subsection (1).

(2) Appeals from disciplinary action are to be brought in the circuit court in the county of residence of the practitioner. In the event the practitioner resides out of state the appeal should be brought in Hinds County Circuit Court.

(3) The board may assess and levy upon any licensee, practitioner or applicant for licensure or the privilege to practice the costs incurred or expended by the board in the investigation and prosecution of any licensure, privilege to practice or disciplinary action, including, but not limited to, the costs of process service, court reporters, expert witnesses, investigators and attorney's fees.

(4) No revoked license or privilege to practice may be reinstated within twelve (12) months after such revocation. Reinstatement thereafter shall be upon such conditions as the board may prescribe, which may include, without being limited to, successful passing of the examination required by this chapter.

(5) A license or privilege to practice certificate issued by the board is the property of the board and must be surrendered on demand.

(6) The chancery court is hereby vested with the jurisdiction and power to enjoin the unlawful practice of counseling and/or the false representation as a licensed counselor in a proceeding brought by the board or any members thereof or by any citizen of this state.

(7) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 7. Section 73-30-23, Mississippi Code of 1972, is amended as follows:

73-30-23. The board shall develop procedures for review of violations of professional ethics. Sanctions, suspension and/or

revocation of license or the privilege to practice will be imposed for violations of professional ethics.

SECTION 8. Section 73-30-29, Mississippi Code of 1972, is amended as follows:

73-30-29. (1) Except as provided in Section 33-1-39, the renewal of license fee or privilege to practice fee for licensed professional counselors under this chapter shall be Two Hundred Twenty Dollars ($220.00) per biennial licensing renewal period, and the renewal of license fee for provisional licensed professional counselors under this chapter shall be Fifty Dollars ($50.00) per annual licensing renewal period.

(2) Provisional licensed professional counselor licenses will be renewed annually on or before June 30. The evidence of the following must be received in the office of the board on or before June 30 of the year of renewal by every license holder who intends to continue to practice: Each active provisional licensed professional counselor licensee must accrue six (6) continuing education hours during the preceding license period, two (2) of which must involve topics in professional ethics or legal issues in the delivery of counseling services.

(3) Licensed professional counselor licenses will be renewed biennially on or before June 30 of the applicable year. The evidence of the following must be received in the office of the board on or before June 30 of the year of renewal by every license holder who intends to continue to practice: Each active licensed

professional counselor licensee must accrue twenty-four (24) continuing education hours during the preceding license period, six (6) of which must involve topics in professional ethics or legal issues in the delivery of counseling services.

SECTION 9. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1067

Description: Child support; provide for imputation guidelines.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Judiciary A
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/11	(S) Referred To Judiciary, Division A
6	03/01	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/14	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 043-0019-0101

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Cockerham
Additional Authors: Anthony, Stamps

Title: AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IMPUTATION OF INCOME SHALL NOT BE BASED UPON A STANDARD AMOUNT IN LIEU OF FACT-GATHERING FOR CHILD SUPPORT CALCULATIONS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1067

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Cockerham, Anthony, Stamps

To: Judiciary A

HOUSE BILL NO. 1067

AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IMPUTATION OF INCOME SHALL NOT BE BASED UPON A STANDARD AMOUNT IN LIEU OF FACT-GATHERING FOR CHILD SUPPORT CALCULATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-19-101, Mississippi Code of 1972, is amended as follows:

43-19-101. (1) The following child-support award guidelines shall be a rebuttable presumption in all judicial or administrative proceedings regarding the awarding or modifying of child-support awards in this state:

Number Of Children Due Support	Percentage Of Adjusted Gross Income That Should Be Awarded For Support
1	14%
2	20%
3	22%
4	24%
5 or more	26%

(2) The guidelines provided for in subsection (1) of this section apply unless the judicial or administrative body awarding or modifying the child-support award makes a written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case as determined under the criteria specified in Section 43-19-103.

(3) The amount of "adjusted gross income" as that term is used in subsection (1) of this section shall be calculated as follows:

(a) Determine gross income from all potential sources that may reasonably be expected to be available to the absent parent including, but not limited to, the following: wages and salary income; income from self-employment; income from commissions; income from investments, including dividends, interest income and income on any trust account or property; absent parent's portion of any joint income of both parents; workers' compensation, disability, unemployment, annuity and retirement benefits, including an Individual Retirement Account (IRA); any other payments made by any person, private entity, federal or state government or any unit of local government; alimony; any income earned from an interest in or from inherited property; any other form of earned income; and gross income shall exclude any monetary benefits derived from a second household, such as income of the absent parent's current spouse;

(b) Subtract the following legally mandated deductions:

(i) Federal, state and local taxes. Contributions to the payment of taxes over and beyond the actual liability for the taxable year shall not be considered a mandatory deduction;

(ii) Social security contributions;

(iii) Retirement and disability contributions except any voluntary retirement and disability contributions;

(c) If the * * * obligated parent is subject to an existing court order for another child or children, subtract the amount of that court-ordered support;

(d) If the absent parent is also the parent of another child or other children residing with him, then the court may subtract an amount that it deems appropriate to account for the needs of said child or children;

(e) Compute the total annual amount of adjusted gross income based on paragraphs (a) through (d) of this subsection, then divide this amount by twelve (12) to obtain the monthly amount of adjusted gross income.

Upon conclusion of the calculation of paragraphs (a) through (e) of this subsection, multiply the monthly amount of adjusted gross income by the appropriate percentage designated in subsection (1) of this section to arrive at the amount of the monthly child-support award.

(4) In cases in which the adjusted gross income as defined in this section is more than One Hundred Thousand Dollars ($100,000.00) or less than Ten Thousand Dollars ($10,000.00), the

court shall make a written finding in the record as to whether or not the application of the guidelines established in this section is reasonable. The court shall take into account the basic subsistence needs of the obligated parent who has a limited ability to pay.

(5) Imputation of income shall not be based upon a standard amount in lieu of fact-gathering. In the absence of specific sufficient evidence of past earnings and employment history to use as the measure of an obligated parent's ability to pay, the recommended child-support obligation amount should be based on available information about the specific circumstances of the obligated parent. This can include, but is not limited to, such factors as assets, residence, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the obligated parent, prevailing earnings level in the local community, and other relevant factors in the case.

(* * *6) Unless extended or waived, the Department of Human Services shall review the appropriateness of these guidelines beginning January 1, 1994, and every four (4) years thereafter and report its findings to the Legislature no later than the first day of the regular legislative session of that year. The Legislature shall thereafter amend these guidelines when it finds that

amendment is necessary to ensure that equitable support is being awarded in all cases involving the support of minor children.

(* * *7) All orders involving support of minor children, as a matter of law, shall include reasonable medical support. Notice to the obligated parent's employer that medical support has been ordered shall be on a form as prescribed by the Department of Human Services. In any case in which the support of any child is involved, the court shall make the following findings either on the record or in the judgment:

(a) The availability to all parties of health insurance coverage for the child(ren);

(b) The cost of health insurance coverage to all parties.

The court shall then make appropriate provisions in the judgment for the provision of health insurance coverage for the child(ren) in the manner that is in the best interests of the child(ren). If the court requires the custodial parent to obtain the coverage then its cost shall be taken into account in establishing the child-support award. If the court determines that health insurance coverage is not available to any party or that it is not available to either party at a cost that is reasonable as compared to the income of the parties, then the court shall make specific findings as to such either on the record or in the judgment. In that event, the court shall make appropriate provisions in the judgment for the payment of medical

expenses of the child(ren) in the absence of health insurance coverage.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1073

Description: Bridges and culverts; revise laws regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Transportation
2	01/26	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/04	(H) Transmitted To Senate
6	02/11	(S) Referred To Highways and Transportation
7	02/23	(S) Title Suff Do Pass
8	03/07	(S) Passed {Vote}
9	03/08	(S) Returned For Enrolling
10	03/09	(H) Enrolled Bill Signed
11	03/10	(S) Enrolled Bill Signed
12	03/16	Approved by Governor

Code Section: A 065-0021-0001

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation

Principal Author: Busby

Title: AN ACT TO AMEND SECTION 65-21-1, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS OF LAW TO PRESCRIBE THE DESIGN OF BRIDGES AND CULVERTS ON PUBLIC ROADS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Busby To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1073

AN ACT TO AMEND SECTION 65-21-1, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS OF LAW TO PRESCRIBE THE DESIGN OF BRIDGES AND CULVERTS ON PUBLIC ROADS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-21-1, Mississippi Code of 1972, is amended as follows:

65-21-1. All bridges and culverts hereafter built, rebuilt, or placed in the traveled way of any public road in this state shall * * * conform to the design standards in effect at the time of design and shall extend across the full width of the crown of the roadway * * *. On roads having a * * * design width greater than sixteen feet (16') * * *, bridges shall be not less than sixteen feet (16') wide * * *. All bridges hereafter built or rebuilt shall be built with * * * railings or barriers and appropriate hazard marking signs on either side. This section shall not apply to * * * public highways in this state within the area of, or contingent to, any national forest or reforestation project, which have been or may be taken over, constructed, or

reconstructed by * * * a department of the national government, may have bridges or culverts the width of said highways, * * * bridges and culverts be less than twelve feet (12') wide.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1093

Description: PEER Committee; require to review effectiveness of the Mississippi Development Authority Tourism Advertising Fund.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Tourism
2	01/27	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/09	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/15	(S) Referred To Tourism
7	02/23	(S) Title Suff Do Pass
8	03/07	(S) Passed {Vote}
9	03/08	(S) Returned For Enrolling
10	03/09	(H) Enrolled Bill Signed
11	03/10	(S) Enrolled Bill Signed
12	03/16	Approved by Governor

Code Section: A 057-0001-0064

----- Additional Information -----

House Committee: Tourism
Senate Committee: Tourism

Principal Author: Currie

Title: AN ACT TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW (PEER) TO CONDUCT A REVIEW OF THE EFFECTIVENESS OF THE MISSISSIPPI DEVELOPMENT AUTHORITY'S EFFORT FUNDED THROUGH THE MISSISSIPPI DEVELOPMENT AUTHORITY TOURISM ADVERTISING FUND IN 2024 AND EVERY FOUR YEARS THEREAFTER; TO AMEND SECTION 57-1-64, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Currie To: Tourism

HOUSE BILL NO. 1093

AN ACT TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW (PEER) TO CONDUCT A REVIEW OF THE EFFECTIVENESS OF THE MISSISSIPPI DEVELOPMENT AUTHORITY'S EFFORT FUNDED THROUGH THE MISSISSIPPI DEVELOPMENT AUTHORITY TOURISM ADVERTISING FUND IN 2024 AND EVERY FOUR YEARS THEREAFTER; TO AMEND SECTION 57-1-64, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) In addition to the expenditure review of the Mississippi Development Authority Tourism Advertising Fund required by Section 27-65-75(23)(b), the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall conduct a review of advertising and marketing efforts paid for through the Mississippi Development Authority Tourism Advertising Fund, including, but not limited to, the effectiveness of attracting out-of-state visitors, the effectiveness of digital advertising efforts, and the administration and oversight by the Mississippi Development Authority (MDA) regarding expenditures from the fund. The review shall be provided to the Lieutenant Governor, the Speaker of the House of Representatives, the

Chairman of the Senate Tourism Committee, the Chairman of the House of Representatives Tourism Committee, and the Governor by no later than December 1, 2024, and every four (4) years thereafter.

(2) The PEER Committee may contract with a private contractor or contractors to conduct the review, or any part or parts thereof. In the event that the PEER Committee determines that contractors should be used, it shall seek competitive proposals for services and select the lowest and best proposal or proposals. The MDA shall be legally and unconditionally obligated to pay the costs of any work performed by any such contractor or contractors utilized by the PEER Committee utilizing funds originating from the Mississippi Development Authority Tourism Advertising Fund.

(3) Upon completion of the review and after the Executive Director of the PEER Committee has accepted the work product of the contractor or contractors, the contractor or contractors utilized shall submit to the MDA an invoice or invoices for the costs of services rendered in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) in the aggregate.

SECTION 2. Section 57-1-64, Mississippi Code of 1972, is amended as follows:

57-1-64. (1) The Mississippi Development Authority is authorized to sell advertising and other tourism promotional information through the Mississippi Development Authority Internet website and other marketing outlets, and to enter into agreements

with tourism associations and similar entities for the purpose of making and facilitating sales through the use of such entities. Revenues received from such sales shall be placed into the special fund created in subsection (2) of this section.

(2) There is created a special fund in the State Treasury to be known as the Mississippi Development Authority Tourism Advertising Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may be used by the Mississippi Development Authority for the purpose of paying costs incurred in connection with the purchase of Internet advertising and other promotional information and materials related to Mississippi tourism resources and activities, and for paying costs required under Section 1 of this act.

(3) The Mississippi Development Authority shall have all powers necessary to implement and administer the provisions of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1097

Description: Counties and municipalities; authorize to lease facilities that are to be utilized as fire stations.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To County Affairs; Municipalities
2	01/24	(H)	DR - TSDP: CA To MU
3	01/24	(H)	DR - TSDP: MU To CA
4	01/25	(H)	Title Suff Do Pass
5	01/26	(H)	Passed {Vote}
6	01/27	(H)	Transmitted To Senate
7	02/16	(S)	Referred To County Affairs; Municipalities
8	02/23	(S)	DR - TSDP: CA To MU
9	02/28	(S)	Title Suff Do Pass
10	03/08	(S)	Passed {Vote}
11	03/09	(S)	Returned For Enrolling
12	03/10	(H)	Enrolled Bill Signed
13	03/11	(S)	Enrolled Bill Signed
14	03/17		Approved by Governor

Code Section: A 031-0008-0003

----- Additional Information -----

House Committee: County Affairs, Municipalities
Senate Committee: County Affairs, Municipalities

Principal Author: Byrd
Additional Authors: Reynolds, Evans (45th), Hale, Steverson, Lancaster, Stamps

Title: AN ACT TO AMEND SECTION 31-8-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO ENTER INTO LEASE AGREEMENTS FOR FACILITIES THAT WILL BE UTILIZED AS FIRE STATIONS

FOR TERMS THAT ARE NOT TO EXCEED TWENTY YEARS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Byrd, Reynolds, Evans (45th), Hale, Steverson, Lancaster, Stamps

To: County Affairs; Municipalities

HOUSE BILL NO. 1097

AN ACT TO AMEND SECTION 31-8-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO ENTER INTO LEASE AGREEMENTS FOR FACILITIES THAT WILL BE UTILIZED AS FIRE STATIONS FOR TERMS THAT ARE NOT TO EXCEED TWENTY YEARS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-8-3, Mississippi Code of 1972, is amended as follows:

31-8-3. The counties and municipalities of this state, acting by and through the governing authorities thereof, are hereby authorized and empowered to enter into lease agreements with any corporation, partnership, limited partnership, joint venture or individual under which the county or municipality may agree to lease a facility for use by the lessor for any of the following purposes for a primary term not to exceed twenty (20) years:

(a) Public buildings;

(b) Courthouses;

(c) Office buildings;

(d) Jails;

(e) Auditoriums;

(f) Community centers;

(g) Civic art centers;

(h) Public libraries;

(i) Gymnasiums; * * *

(j) Fire stations; and

(* * *k) Machinery and equipment for use in connection with any of the above, but shall not include office furniture and/or office machines, provided that the primary term of a lease with respect to machinery and equipment shall not exceed the estimated useful economic life of such machinery and equipment, as such useful economic life is mutually agreed upon by the lessor and lessee.

Nothing in this section shall be construed to authorize the acquisition of public school buildings through the use of rental contracts.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1098

Description: Fire protection districts; prohibit charging of fees when board of supervisors has levied special tax for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To County Affairs
2	01/24	(H) Title Suff Do Pass
3	02/02	(H) Amended
4	02/02	(H) Passed As Amended {Vote}
5	02/07	(H) Transmitted To Senate
6	02/18	(S) Referred To County Affairs; Finance
7	02/28	(S) DR - TSDPAA: CA To FI
8	03/01	(S) Title Suff Do Pass As Amended
9	03/07	(S) Amended
10	03/07	(S) Passed As Amended {Vote}
11	03/08	(S) Returned For Concurrence
12	03/09	(H) Concurred in Amend From Senate {Vote}
13	03/10	(H) Enrolled Bill Signed
14	03/11	(S) Enrolled Bill Signed
15	03/17	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1098

Code Section: A 019-0005-0177, A 019-0005-0195

----- Additional Information -----

House Committee: County Affairs
Senate Committee: County Affairs, Finance

Principal Author: Byrd
Additional Authors: Hale

Title: AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE BOARD OF COMMISSIONERS OF CERTAIN FIRE PROTECTION DISTRICTS FROM IMPOSING FEES IF THE BOARD OF SUPERVISORS OF A COUNTY HAS LEVIED A SPECIAL TAX FOR A FIRE PROTECTION DISTRICT; TO AMEND SECTION 19-5-195, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Byrd, Hale To: County Affairs

HOUSE BILL NO. 1098
(As Sent to Governor)

AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE BOARD OF COMMISSIONERS OF CERTAIN FIRE PROTECTION DISTRICTS FROM IMPOSING FEES IF THE BOARD OF SUPERVISORS OF A COUNTY HAS LEVIED A SPECIAL TAX FOR A FIRE PROTECTION DISTRICT; TO AMEND SECTION 19-5-195, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-5-177, Mississippi Code of 1972, is amended as follows:

19-5-177. (1) Any district created under Sections 19-5-151 through 19-5-207, acting by and through the board of commissioners of such district as its governing authority, shall have the following, among other, powers:

(a) To sue and be sued;

(b) To acquire by purchase, gift, devise and lease or any other mode of acquisition, other than by eminent domain, hold and dispose of real and personal property of every kind within or without the district;

(c) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds, leases or contracts for financial advisory services;

(d) To incur debts, to borrow money, to issue negotiable bonds, and to provide for the rights of the holders thereof;

(e) To fix, maintain, collect and revise rates and charges for services rendered by or through the facilities of such district, which rates and charges shall not be subject to review or regulation by the Mississippi Public Service Commission except in those instances where a city operating similar services would be subject to regulation and review; however, the district may furnish services, including connection to the facilities of the district, free of charge to the county or any agency or department of the county and to volunteer fire departments located within the service area of the district. The district shall obtain a certificate of convenience and necessity from the Mississippi Public Service Commission for operating of water and/or sewer systems. Notwithstanding the provisions of this paragraph, if the board of supervisors of a county has levied a special tax for a fire protection district as authorized under Section 19-5-189(2) and such district has volunteer firefighters, then the fire protection district shall not fix, maintain or collect rates and charges for services rendered;

(f) To pledge all or any part of its revenues to the payment of its obligations;

(g) To make such covenants in connection with the issuance of bonds or to secure the payment of bonds that a private business corporation can make under the general laws of the state;

(h) To use any right-of-way, public right-of-way, easement, or other similar property or property rights necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities of such district held by the state or any political subdivision thereof; however, the governing body of such political subdivision shall consent to such use;

(i) To enter into agreements with state and federal agencies for loans, grants, grants-in-aid, and other forms of assistance including, but not limited to, participation in the sale and purchase of bonds;

(j) To acquire by purchase any existing works and facilities providing services for which it was created, and any lands, rights, easements, franchises and other property, real and personal necessary to the completion and operation of such system upon such terms and conditions as may be agreed upon, and if necessary as part of the purchase price to assume the payment of outstanding notes, bonds or other obligations upon such system;

(k) To extend its services to areas beyond but within one (1) mile of the boundaries of such district; however, no such

extension shall be made to areas already occupied by another corporate agency rendering the same service so long as such corporate agency desires to continue to serve such areas. Areas outside of the district desiring to be served which are beyond the one (1) mile limit must be brought into the district by annexation proceedings;

(l) To be deemed to have the same status as counties and municipalities with respect to payment of sales taxes on purchases made by such districts;

(m) To borrow funds for interim financing subject to receipt of funds as outlined in Section 19-5-181;

(n) To provide group life insurance coverage for all or specified groups of employees of the district and group hospitalization benefits for those employees and their dependents, and to pay the total cost of these benefits. For purposes of this paragraph, the term "employees" does not include any person who is a commissioner of a district created under Sections 19-5-151 through 19-5-207, and such commissioners are not eligible to receive any insurance coverage or benefits made available to district employees under this paragraph.

(2) Any district which is incorporated under Sections 19-5-151 through 19-5-207 to provide sewer services may install or provide for the installation of sewage holding tanks at residential properties within the district, if funding for municipal or community sewers has been awarded to the district.

The district shall maintain or provide for the maintenance of the sewage holding tank systems. The district may assess and collect from each resident using a sewage holding tank a fee covering the costs of providing the services authorized under this section. When municipal or community sewers are available and ready for use, residences with sewage holding tanks shall be connected to the sewer system.

SECTION 2. Section 19-5-195, Mississippi Code of 1972, is amended as follows:

19-5-195. Except as provided in Section 19-5-177(1)(e), the board of commissioners of the district issuing bonds pursuant to Sections 19-5-151 through 19-5-207 shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities of its system or systems; shall prescribe penalties for the nonpayment thereof; and shall revise such rates, fees, tolls or charges from time to time whenever necessary to insure the economic operation of such system or systems. The rates, fees, tolls or charges prescribed shall be, as nearly as possible, such as will always produce revenue at least sufficient to: (a) provide for all expenses of operation and maintenance of the system or systems, including reserves therefor, (b) pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and

(c) provide funds for reasonable expansions, extensions and improvements of service.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1113

Description: Memorial intersection; designate intersection in Clarke County as the "PFC Damian Laquasha Heidelberg Memorial Intersection."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Transportation; Appropriations
2	01/26	(H) DR - TSDP: TR To AP
3	01/27	(H) DR - TSDP: AP To TR
4	01/27	(H) Title Suff Do Pass
5	02/08	(H) Passed {Vote}
6	02/09	(H) Transmitted To Senate
7	02/11	(S) Referred To Highways and Transportation
8	03/01	(S) Title Suff Do Pass
9	03/08	(S) Passed {Vote}
10	03/09	(S) Returned For Enrolling
11	03/10	(H) Enrolled Bill Signed
12	03/11	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Smith

Title: AN ACT TO DESIGNATE THE INTERSECTION OF MISSISSIPPI HIGHWAY 18 AND U.S. HIGHWAY 45 LOCATED IN CLARKE COUNTY, MISSISSIPPI, AS THE "PFC DAMIAN LAQUASHA HEIDELBERG MEMORIAL INTERSECTION"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Smith

To: Transportation; Appropriations

HOUSE BILL NO. 1113

AN ACT TO DESIGNATE THE INTERSECTION OF MISSISSIPPI HIGHWAY 18 AND U.S. HIGHWAY 45 LOCATED IN CLARKE COUNTY, MISSISSIPPI, AS THE "PFC DAMIAN LAQUASHA HEIDELBERG MEMORIAL INTERSECTION"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The intersection of Mississippi Highway 18 and U.S. Highway 45 located in Clarke County, Mississippi, is designated and shall be known as the "PFC Damian Laquasha Heidelberg Memorial Intersection."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1130

Description: Department of Marine Resources; revise license issued for seafood dealers and seafood processors.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Marine Resources
2	01/26	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/10	(H) Passed {Vote}
5	02/11	(H) Transmitted To Senate
6	02/15	(S) Referred To Ports and Marine Resources
7	02/23	(S) Title Suff Do Pass
8	03/07	(S) Passed {Vote}
9	03/08	(S) Returned For Enrolling
10	03/09	(H) Enrolled Bill Signed
11	03/10	(S) Enrolled Bill Signed
12	03/16	Approved by Governor

Code Section: A 049-0015-0028

----- Additional Information -----

House Committee: Marine Resources
Senate Committee: Ports and Marine Resources

Principal Author: Ladner

Title: AN ACT TO AMEND SECTION 49-15-28, MISSISSIPPI CODE OF 1972, TO SEPARATE THE COMBINATION SEAFOOD DEALER AND PROCESSOR LICENSE INTO TWO LICENSES; TO PROVIDE THAT EACH LICENSE SHALL BE ONE HUNDRED DOLLARS; TO PROVIDE THAT A SEAFOOD DEALER SHALL NOT OPERATE AS A SEAFOOD PROCESSOR BUT THAT A SEAFOOD PROCESSOR MAY OPERATE AS A SEAFOOD DEALER; TO PROVIDE EXEMPTIONS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1130

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Ladner To: Marine Resources

HOUSE BILL NO. 1130

AN ACT TO AMEND SECTION 49-15-28, MISSISSIPPI CODE OF 1972, TO SEPARATE THE COMBINATION SEAFOOD DEALER AND PROCESSOR LICENSE INTO TWO LICENSES; TO PROVIDE THAT EACH LICENSE SHALL BE ONE HUNDRED DOLLARS; TO PROVIDE THAT A SEAFOOD DEALER SHALL NOT OPERATE AS A SEAFOOD PROCESSOR BUT THAT A SEAFOOD PROCESSOR MAY OPERATE AS A SEAFOOD DEALER; TO PROVIDE EXEMPTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-28, Mississippi Code of 1972, is amended as follows:

49-15-28. (1) Each person buying or handling seafood secured from commercial fishermen, or from other wholesale dealers, for the purpose of resale, whether handling on a commission basis or otherwise, and every resident person shipping seafood out of the State of Mississippi on consignment or order, except fishermen shipping their own catch, shall be considered a wholesale dealer and shall obtain a seafood dealer license for a fee of One Hundred Dollars ($100.00). A seafood dealer shall not operate as a seafood processor.

(2) Any factory or person engaged in the * * * processing, * * * manufacturing or changing of seafood products into different market forms shall be considered a seafood processor and shall obtain a seafood processor license for a fee of One Hundred Dollars ($100.00) annually. A seafood processor may operate as a seafood dealer.

(3) * * * The license for a seafood dealer and the license for a seafood processor shall be nontransferable and a license shall be required for each factory or place of business.

* * *

(4) It is unlawful for any factory or person to * * * act as a seafood dealer or seafood processor without first having obtained * * * the appropriate license.

(5) This section shall not apply to the following:

(a) A dealer in fresh seafoods who merely preserves the seafood for future sale to prevent spoilage and is in competition with other retailers who are not required to pay this tax * * *;

(b) Nonresident commercial wholesalers engaged in delivering processed seafood product, with proof of purchase, to licensed Mississippi processors, dealers, restaurants or retailers;

(c) Nonresident commercial wholesalers engaged in delivering unprocessed seafood product, with proof of purchase, to licensed Mississippi processors or dealers.

(d) Contract carriers engaged in the import and export of seafood product, with proof of purchase, to and from licensed Mississippi processors.

(e) Restaurants and retailers receiving processed seafood product, with proof of purchase, from a licensed resident or nonresident commercial wholesaler, and selling to the end user.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1131

Description: Secretary of State; authorize to enter into agreements with online providers to conduct online auctions of state-forfeited tax land.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Ways and Means
2	01/26	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Public Property
6	03/01	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 029-0001-0037

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Public Property

Principal Author: Weathersby

Title: AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES, AMONG OTHER THINGS, THE SECRETARY OF STATE TO SELL STATE-FORFEITED TAX LAND BY ONLINE AUCTION, TO AUTHORIZE THE SECRETARY OF STATE TO ENTER INTO AGREEMENTS WITH ONLINE PROVIDERS TO CONDUCT SUCH SALES BY ONLINE AUCTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Weathersby To: Ways and Means

HOUSE BILL NO. 1131

AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES, AMONG OTHER THINGS, THE SECRETARY OF STATE TO SELL STATE-FORFEITED TAX LAND BY ONLINE AUCTION, TO AUTHORIZE THE SECRETARY OF STATE TO ENTER INTO AGREEMENTS WITH ONLINE PROVIDERS TO CONDUCT SUCH SALES BY ONLINE AUCTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 29-1-37, Mississippi Code of 1972, is amended as follows:

29-1-37 (1) Except as otherwise provided in subsection (2) of this section, any person desiring to purchase any state-forfeited tax land shall make application in writing to the Secretary of State for the purchase of the land, and shall state in the application:

(a) A correct description of the land sought to be purchased.

(b) The name of the former owner and the name of the person to whom the land was assessed at the time of the tax sale, and the post office address of the former owner and the post

office address of the person to whom the land was assessed at the time of the sale, if known to the applicant.

(c) Whether or not the land is occupied at the date of the filing of such application, and the name of the person occupying the land, if any.

(d) The nature and value of the improvements on the land.

(e) The approximate quantity of the merchantable timber on the land, if any.

(f) Any other special information as the Secretary of State, with the approval of the Governor, may require.

Each application shall be signed by the applicant and shall contain a declaration that the statements and information submitted in the application are true and correct and are made under penalty of perjury. The Secretary of State may require any additional information with reference to the value of the lands, the nature and condition of the buildings and improvements on the lands, and the value of the timber on the lands as he may deem necessary. The applications shall be filed by the Secretary of State in the order in which they are received. Each application shall be given a serial number and shall be entered on a record book on the day it is received. The record book shall show the name of the applicant, the serial number of the application, and the county in which the property is situated.

(2) Except as otherwise provided in subsection (3) of this section, the Secretary of State, with the approval of the Governor, may dispose of any state-forfeited tax land by sealed bids after three (3) weeks' advertisement in a newspaper in the county in which the land is located.

(3) The Secretary of State may sell state-forfeited tax land by online auction. The Secretary of State may enter into an agreement with an online provider to conduct any such sales by online auction. The Secretary of State may establish procedures and adopt administrative rules for the sale of state-forfeited tax land by online auction.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1135

Description: Advanced plastic recycling; define terms relating to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Conservation and Water Resources
2	01/27	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/09	(H) Tabled Subject To Call
5	02/09	(H) Committee Substitute Adopted
6	02/09	(H) Amended
7	02/09	(H) Passed As Amended {Vote}
8	02/11	(H) Transmitted To Senate
9	02/15	(S) Referred To Energy
10	02/28	(S) Title Suff Do Pass
11	03/08	(S) Passed {Vote}
12	03/09	(S) Returned For Enrolling
13	03/11	(H) Enrolled Bill Signed
14	03/11	(S) Enrolled Bill Signed
15	03/17	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote

Code Section: A 017-0017-0003, A 017-0017-0205, A 017-0017-0305

----- Additional Information -----

House Committee: Conservation and Water Resources
Senate Committee: Energy

Principal Author: Powell
Additional Authors: Brown (20th)

Title: AN ACT TO AMEND SECTION 17-17-3, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "ADVANCED PLASTIC RECYCLING,"

"DEPOLYMERIZATION," "GASIFICATION," "PYROLYSIS," "SOLVOLYSIS," "ADVANCED PLASTIC RECYCLING FACILITY," "POST-USE POLYMER" AND "RECOVERED FEEDSTOCK" FOR PURPOSES RELATING TO SOLID WASTE DISPOSAL; TO BRING FORWARD SECTIONS 17-17-205 AND 17-17-305, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Powell, Brown (20th)

To: Conservation and Water Resources

HOUSE BILL NO. 1135
(As Passed the House)

AN ACT TO AMEND SECTION 17-17-3, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "ADVANCED PLASTIC RECYCLING," "DEPOLYMERIZATION," "GASIFICATION," "PYROLYSIS," "SOLVOLYSIS," "ADVANCED PLASTIC RECYCLING FACILITY," "POST-USE POLYMER" AND "RECOVERED FEEDSTOCK" FOR PURPOSES RELATING TO SOLID WASTE DISPOSAL; TO BRING FORWARD SECTIONS 17-17-205 AND 17-17-305, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-17-3, Mississippi Code of 1972, is amended as follows:

17-17-3. For purposes of this chapter, the following words shall have the following definitions * * * unless the context * * * indicates otherwise:

(a) "Advanced plastic recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products including, but not limited to, monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, naphtha, waxes, lubricants,

coatings, and other basic hydrocarbons. For the purpose of advanced recycling:

(i) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastic and chemical feedstocks, basic and unfinished chemicals, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons.

(ii) "Gasification" means a manufacturing process through which recovered feedstocks and post-use polymers are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials and intermediate and final products, including plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, that are returned to economic utility in the form of raw materials, products, or other basic hydrocarbons.

(iii) "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw materials and intermediate and final products, including plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, that are returned to economic utility in the form of raw materials, products, or other basic hydrocarbons.

(iv) "Solvolysis" means a manufacturing process through which post-use polymers are reacted with the aid of solvents while heated at low temperatures and/or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include monomers, intermediates, and valuable raw materials. The process includes hydrolysis, aminolysis, ammonoloysis, methanolysis, ethanolysis, and glycolysis.

(b) "Advanced plastic recycling facility" means a manufacturing facility that receives, separates, stores and converts post-use polymers and recovered feedstocks using advanced recycling. An advanced plastic recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste-to-energy facility, or incinerator, but the facility is subject to department inspections to ensure compliance. Solid waste generated by an advanced plastic recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste.

(* * *c) "Agency" means any controlling agency, public or private, elected, appointed or volunteer, controlling and supervising the collection and/or disposal of solid wastes.

(* * *d) "Ashes" means the solid residue from burning of wood, coal, coke or other combustible materials used for heating, or from incineration of solid wastes, but excepting solid

residue the storage or disposition of which is controlled by other agencies.

(* * *e) "Commercial hazardous waste management facility" means any facility engaged in the storage, treatment, recovery or disposal of hazardous waste for a fee and which accepts hazardous waste from more than one (1) generator. A facility (i) which is designed principally for treatment of aqueous hazardous wastes and residue; and (ii) which is situated within an industrial park or area; and (iii) which disposes of no hazardous waste within the State of Mississippi shall not constitute a commercial hazardous waste management facility for purposes of Section 17-17-151(3)(a) only.

(* * *f) "Commercial nonhazardous solid waste management facility" means any facility engaged in the storage, treatment, processing or disposal of nonhazardous solid waste for compensation or which accepts nonhazardous solid waste from more than one (1) generator not owned by the facility owner.

(* * *g) "Commercial oil field exploration and production waste disposal" means storage, treatment, recovery, processing, disposal or acceptance of oil field exploration and production waste from more than one (1) generator or for a fee.

(* * *h) "Commercial purpose" means for the purpose of economic gain.

(* * *i) "Commission" means the Mississippi Commission on Environmental Quality.

(* * *j) "Composting or compost plant" means an officially controlled method or operation whereby putrescible solid wastes are broken down through microbic action to a material offering no hazard or nuisance factors to public health or well-being.

(* * *k) "Department" means the Mississippi Department of Environmental Quality.

(* * *l) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

(* * *m) "Executive director" means the Executive Director of the Mississippi Department of Environmental Quality.

(* * *n) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products, and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

(* * *o) "Hazardous wastes" means any waste or combination of waste of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration or physical, chemical or infectious characteristics, may (i) cause,

or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed which are listed by the Environmental Protection Agency as hazardous wastes which exceed the threshold limits set forth in the Environmental Protection Agency regulations for classifying hazardous waste. Such wastes include, but are not limited to, those wastes which are toxic, corrosive, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means. Such wastes do not include those radioactive materials regulated pursuant to the Mississippi Radiation Protection Law of 1976, appearing in Section 45-14-1 et seq.

(* * *p) "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

(* * *q) "Head" means the head of the Office of Pollution Control of the Mississippi Department of Environmental Quality or his designee.

(* * *r) "Health department" means the Mississippi State Health Department and every county or district health department. "Health officer" means the state or affected county health officer or his designee.

(* * *s) "Manifest" means the form used for identifying the quantity, composition, origin, routing and destination of hazardous waste during its transport.

(* * *t) "Office" means the Office of Pollution Control of the Mississippi Department of Environmental Quality.

(* * *u) "Open dump" means any officially recognized place, land or building which serves as a final depository for solid wastes, whether or not burned or buried, which does not meet the minimum requirements for a sanitary landfill, except approved incinerators, compost plants and salvage yards.

(v) "Post-use polymer" means a plastic to which all of the following apply:

(i) It is derived from any residential, industrial, commercial, governmental, institutional, or agricultural activities.

(ii) It is not mixed with solid waste or hazardous waste onsite or during processing at a depolymerization, gasification, pyrolysis, or solvolysis facility.

(iii) Its use or intended use is as a feedstock for the manufacturing of feedstocks, raw materials, or other intermediate products or final products using depolymerization, gasification, pyrolysis, solvolysis or other similar technologies.

(iv) It has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste

such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

(v) It is processed at a depolymerization, gasification, pyrolysis, or solvolysis facility or held at such facility prior to processing.

(vi) Post-use polymers meeting the requirements of this section are not solid waste.

(w) "Recovered feedstock" means a post-use polymer or a material for which the United States Environmental Protection Agency, or the department, has made a nonwaste determination pursuant to 40 CFR 241.3(c), or has otherwise determined is feedstock that has been sorted from other solid wastes so that it may be used as feedstock in an advanced plastics recycling facility or other recycling operations. Recovered feedstock does not include unsorted municipal solid waste or material(s) that has been mixed with solid waste or hazardous waste onsite or during processing at an advanced plastics recycling facility or other recycling operations.

(* * *x) "Permit board" means the permit board created by Section 49-17-28.

(* * *y) "Person" means any individual, trust, firm, joint-stock company, public or private corporation (including a government corporation), partnership, association, state, or any agency or institution thereof, municipality, commission, political subdivision of a state or any interstate body, and includes any

officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof.

(* * *z) "Pollution Emergency Fund" means the fund created under Section 49-17-68.

(* * *aa) "Rubbish" means nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F.).

(* * *bb) "Sanitary landfill" means a controlled area of land upon which solid waste is deposited, and is compacted and covered with no on-site burning of wastes, and so located, contoured, drained and operated so that it will not cause an adverse effect on public health or the environment.

(* * *cc) "Solid wastes" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or

dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954.

(* * *dd) "Storage" means the containment of wastes, either on a temporary basis or for a period of years, except as provided in 40 CFR 263.12, in such a manner as not to constitute disposal of such wastes.

(* * *ee) "Transport" means the movement of wastes from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.

(* * *ff) "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any solid waste in order to neutralize such character or composition of any solid waste, neutralize such waste or render such waste, safer for transport, amenable for recovery, amenable for storage or reduced in volume.

(* * *gg) "Treatment facility" means a location at which waste is subjected to treatment and may include a facility where waste has been generated.

(* * *hh) "Unauthorized dump" means any collection of solid wastes either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used.

An abandoned automobile, large appliance, or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of this chapter, but not the careless, scattered littering of smaller individual items as tires, bottles, cans and the like. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this chapter.

SECTION 2. Section 17-17-205, Mississippi Code of 1972, is amended as follows:

17-17-205. (a) "Closure" means the ceasing operation of a sanitary landfill and securing the landfill so that it does not pose a significant threat to public health or the environment and includes long-term monitoring and maintenance of the landfill.

(b) "Label" means a molded, imprinted or raised symbol on or near the bottom of a plastic container or bottle.

(c) "Local government" means a county or a municipality within the State of Mississippi.

(d) "Municipal solid waste" means any nonhazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments except oil field exploration and production wastes and sewage sludge.

(e) "Owner" or "operator" means any person, corporation, county, municipality or group of counties or municipalities acting jointly operating a sanitary landfill or having any interest in the land whereon a sanitary landfill is or has been located.

(f) "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.

(g) "Plastic bottle" means a plastic container intended for single use that:

(i) Has a neck smaller than the body of the container;

(ii) Is designed for a screw-top, snap cap or other closure; and

(iii) Has a capacity of not less than sixteen (16) fluid ounces or more than five (5) gallons.

(h) "Rigid plastic container" means any formed or molded container intended for single use, composed predominately of plastic resin, that has a relatively inflexible finite shape or form with a capacity of not less than eight (8) ounces or more than five (5) gallons. This term does not include a plastic bottle.

SECTION 3. Section 17-17-305, Mississippi Code of 1972, is amended as follows:

17-17-305. Whenever used in Sections 17-17-301 through 17-17-349, the following words and terms shall have the following respective meanings unless a different meaning clearly appears from the context:

(a) "Authority" means a regional solid waste management authority created under Sections 17-17-301 through 17-17-349.

(b) "Board" means the board of commissioners of an authority.

(c) "Bonds" means either revenue bonds, general obligation bonds, bond anticipation notes, or other types of debt instruments issued by the authority unless the reference to bonds clearly indicates "revenue bonds," "general obligation bonds," "bond anticipation notes" or such other forms of debt instruments.

(d) "Cost of project" means all costs of site preparation and other start-up costs; all costs of construction; all costs of real and personal property required for the purposes of the project and facilities related thereto, including land and any rights or undivided interest therein, easements, franchises, fees, permits, approvals, licenses, and certificates and the securing of such permits, approvals, licenses, and certificates and all machinery and equipment, including motor vehicles which are used for project functions; and including any cost associated with the closure, post-closure maintenance or corrective action, financing charges and interest prior to and during construction and during such additional period as the authority may reasonably determine to be necessary for the placing of the project in operation; costs of engineering, geotechnical, architectural and legal services; costs of plans and specifications and all expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incidental to the financing authorized in Sections 17-17-301 through 17-17-349. The costs of any project may also include funds for the creation of a debt

service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the authority for the operation of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the costs of the project and may be paid or reimbursed as such out of the proceeds of user fees, of revenue bonds or notes issued under Sections 17-17-301 through 17-17-349 for such project, or from other revenues obtained by the authority.

(e) "County" means any county of this state.

(f) "Department" means the Department of Environmental Quality.

(g) "Designated representative" means the person named by resolution of the governing body of a county or municipal corporation as the representative of such unit of local government for the purpose of acting on their behalf as an incorporator in concert with other similarly named persons in the creation and incorporation of a regional authority under Sections 17-17-301 through 17-17-349.

(h) "Facilities" means any plant, structure, building, improvement, land, or any other real or personal property used or useful in a project under Sections 17-17-301 through 17-17-349.

(i) "Governing body" means the elected or duly appointed officials constituting the governing body of a municipality or county.

(j) "Incorporation agreement" means that agreement between the designated representatives of various units of local government setting forth the formal creation of a regional authority under Sections 17-17-301 through 17-17-349.

(k) "Incorporator" means the "designated representative."

(l) "Member" means a unit of local government participating in an authority.

(m) "Municipal solid waste" means any nonhazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments except oil field exploration and production wastes and sewage sludge.

(n) "Municipality" means any incorporated city or town in this state.

(o) "Person" means a person as defined in Section 17-17-3, Mississippi Code of 1972.

(p) "Post-closure" means a procedure approved by the Environmental Protection Agency, or the department to provide for long-term financial assurance, monitoring, and maintenance of solid waste disposal sites to protect human health and the environment.

(q) "Project" means:

(i) The collection, transportation, management and disposal of municipal solid waste, including closure and post-closure and any property, real or personal, used as or in connection with a facility for the composting, extraction, collection, storage, treatment, processing, utilization, or final disposal of resources contained in solid waste, including the conversion of municipal solid waste or resources contained therein into compost, oil, charcoal, gas, steam, or any other product or energy source and the collection, storage, treatment, utilization, processing, or final disposal of solid waste in connection with the foregoing; and

(ii) Any property, real or personal, used as or in connection with a facility for the composting, extraction, collection, storage, treatment, processing and the conversion of such resources into any compost or useful form of energy.

(r) "Public agency" means any incorporated city or town, county, political subdivision, governmental district or unit, public corporation, public institution of higher learning, community college district, planning and development district, or governmental agency created under the laws of the state.

(s) "Resource recovery facility" means any facility at which solid waste is processed for the purpose of extracting, converting to energy or otherwise separating and preparing solid waste for reuse.

(t) "Revenues" means all rentals, receipts, income and other charges derived or received or to be derived or received by the authority from any of the following: the operation by the authority of a facility or facilities, or part thereof; the sale, including installment sales or conditional sales, lease, sublease or use or other disposition of any facility or portion thereof; the sale, lease or other disposition of recovered resources; contracts, agreements or franchises with respect to a facility (or portion thereof), with respect to recovered resources, or with respect to a facility (or portion thereof) and recovered resources, including but not limited to charges with respect to the management of municipal solid waste received with respect to a facility, income received as a result of the sale or other disposition of recovered resources; any gift or grant received with respect thereto; proceeds of bonds to the extent of use thereof for payment of principal of, premium, if any, or interest on the bonds as authorized by the authority; proceeds from any insurance, condemnation or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility; income and profit from the investment of the proceeds of bonds or of any revenues and the proceeds of any special tax to which it may be entitled.

(u) "Solid waste" means solid waste as defined in Section 17-17-3, Mississippi Code of 1972.

(v) "Municipal solid waste management facility" means any land, building, plant, system, motor vehicles, equipment or other property, whether real, personal or mixed, or any combination of either thereof, used or useful or capable of future use in the collection, storage, treatment, utilization, recycling, processing, transporting or disposal of municipal solid waste, including transfer stations, incinerators, sanitary landfill facilities or other facilities necessary or desirable.

(w) "Solid waste landfill" means a disposal facility where any amount of solid waste, whether or not mixed with or including other waste allowed under Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended, is disposed of by means of placing an approved cover thereon.

(x) "State" means the State of Mississippi.

(y) "Unit of local government" means any county or municipality of the state.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1323

Description: Tallahatchie River Authority; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Conservation and Water Resources
2	01/27	(H)	Title Suff Do Pass
3	02/08	(H)	Read the Third Time
4	02/09	(H)	Amended
5	02/09	(H)	Passed As Amended {Vote}
6	02/14	(H)	Transmitted To Senate
7	02/21	(S)	Referred To Economic and Workforce Development
8	02/24	(S)	Title Suff Do Pass
9	03/07	(S)	Passed {Vote}
10	03/08	(S)	Motion to Reconsider Entered
11	03/08	(S)	Reconsidered
12	03/08	(S)	Amended
13	03/08	(S)	Passed As Amended {Vote}
14	03/09	(S)	Returned For Concurrence
15	03/15	(H)	Decline to Concur/Invite Conf
16	03/18	(H)	Conferees Named Brown (20th),Clark,Lancaster
17	03/21	(S)	Conferees Named Parker,Sparks,Younger
18	03/27	(S)	Conference Report Filed
19	03/27	(H)	Conference Report Filed
20	03/28	(H)	Conference Report Adopted {Vote}
21	03/29	(S)	Conference Report Adopted {Vote}
22	03/31	(H)	Enrolled Bill Signed
23	03/31	(S)	Enrolled Bill Signed
24	04/14		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1323
Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Conservation and Water Resources
Senate Committee: Economic and Workforce Development

Principal Author: Creekmore IV
Additional Authors: Reynolds, Deweese, Massengill, Steverson, Rosebud

Title: AN ACT TO CREATE THE TALLAHATCHIE RIVER AUTHORITY TO BE COMPOSED OF THE GEOGRAPHIC REGION OF THE COUNTIES THAT THE TALLAHATCHIE RIVER OR LITTLE TALLAHATCHIE RIVER TRAVERSE OR BORDER IN THE STATE OF MISSISSIPPI, SUBJECT TO THE BOARD OF SUPERVISORS OF A COUNTY VOTING AND SPREADING ON ITS MINUTES THE DECISION TO PARTICIPATE IN THE AUTHORITY; TO PROVIDE THAT EACH PARTICIPATING COUNTY BOARD OF SUPERVISORS MAY SELECT ONE MEMBER OF THE BOARD OF DIRECTORS; TO PROVIDE CERTAIN AUTHORITY TO THE TALLAHATCHIE RIVER AUTHORITY; TO AUTHORIZE EACH PARTICIPATING COUNTY BOARD OF SUPERVISORS TO CONTRIBUTE FUNDS TO THE AUTHORITY; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1323

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representatives Creekmore IV, Reynolds, Deweese, Massengill, Steverson, Rosebud

To: Conservation and Water Resources

HOUSE BILL NO. 1323
(As Sent to Governor)

AN ACT TO CREATE THE TALLAHATCHIE RIVER AUTHORITY TO BE COMPOSED OF THE GEOGRAPHIC REGION OF THE COUNTIES THAT THE TALLAHATCHIE RIVER OR LITTLE TALLAHATCHIE RIVER TRAVERSE OR BORDER IN THE STATE OF MISSISSIPPI, SUBJECT TO THE BOARD OF SUPERVISORS OF A COUNTY VOTING AND SPREADING ON ITS MINUTES THE DECISION TO PARTICIPATE IN THE AUTHORITY; TO PROVIDE THAT EACH PARTICIPATING COUNTY BOARD OF SUPERVISORS MAY SELECT ONE MEMBER OF THE BOARD OF DIRECTORS; TO PROVIDE CERTAIN AUTHORITY TO THE TALLAHATCHIE RIVER AUTHORITY; TO AUTHORIZE EACH PARTICIPATING COUNTY BOARD OF SUPERVISORS TO CONTRIBUTE FUNDS TO THE AUTHORITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby created the Tallahatchie River Authority composed of the geographic boundaries of the following counties that the Tallahatchie River or Little Tallahatchie River traverse or border in the State of Mississippi, subject to the board of supervisors of a county voting and spreading on its minutes the decision to participate in the authority: Leflore, Tallahatchie, Quitman, Panola, Lafayette, Marshall, Union and Tippah. The authority shall be governed by a board of directors consisting of one (1) member appointed by the board of supervisors of each of the counties eligible and whose

board of supervisors chooses to participate. Board members shall be appointed by the appointing authorities within sixty (60) days after passage of this act.

(2) The boards of supervisors of the counties of Leflore and Tallahatchie shall each appoint a member from their respective counties for an initial term of one (1) year; the boards of supervisors of the counties of Quitman and Panola shall each appoint a member from their respective counties for an initial term of two (2) years; the boards of supervisors of the counties of Lafayette and Marshall shall each appoint a member from their respective counties for an initial term of three (3) years; and the boards of supervisors of the counties of Union and Tippah shall each appoint a member from their respective counties for an initial term of four (4) years. All appointments made after the initial appointments shall be for terms of four (4) years each from the expiration of the previous term, or until a successor is appointed and qualifies.

(3) Board members shall serve without pay. Upon appointment the members shall meet and organize at Charleston, Mississippi, set a regular time and place for the meetings of the authority, and secure offices and all necessary equipment therefor. A full-time executive director may be appointed by the board if the board deems the appointment advisable, and, if a director is appointed, he or she shall be full-time and shall serve at the pleasure of the board. The salary of a director may be paid out

of such funds as may be available to the authority or from any source.

SECTION 2. The Tallahatchie River Authority is specifically authorized and empowered to contract with and to be contracted with by the Tennessee Valley Authority and any other agency or agencies of the federal government or of any state or subdivision thereof which may be of assistance in carrying out the purposes set forth in this act. In addition, the authority is empowered to do any and all other things necessary or desirable in effectuating a plan for the comprehensive development of the resources of the authority's geographic region, including, but not limited to, such subjects as tourism, economic development, forestry, drainage and land reclamation and preservation, bank stabilization, electric power utilization, water conservation, recreation, public health and education, such program of development to be carried on in cooperation with the appropriate local, state and federal agencies. All agencies of the State of Mississippi are hereby authorized, empowered, and directed to extend their cooperation and assistance to the Tallahatchie River Authority in the formulation and implementation of the program of development.

SECTION 3. Each of the counties in which the Tallahatchie River Authority is located is authorized and empowered to contribute any amount or amounts which the board of supervisors thereof deems advisable, acting in their sole discretion, to be paid from the general county fund of the respective counties.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1331

Description: Election commissioners; require skills assessment for every four years instead of every year.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Apportionment and Elections
2	02/01	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/11	(S) Referred To Elections; Accountability, Efficiency, Transparency
6	02/28	(S) DR - TSDP: EL To AC
7	03/01	(S) Title Suff Do Pass
8	03/08	(S) Passed {Vote}
9	03/09	(S) Returned For Enrolling
10	03/10	(H) Enrolled Bill Signed
11	03/11	(S) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: A 023-0015-0213, A 023-0015-0211

----- Additional Information -----

House Committee: Apportionment and Elections
Senate Committee: Elections, Accountability, Efficiency, Transparency

Principal Author: Goodin
Additional Authors: McCarty, Tubb, Tullos

Title: AN ACT TO AMEND SECTIONS 23-15-213 AND 23-15-211, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ELECTION COMMISSIONERS SHALL ONLY BE REQUIRED TO TAKE THE SKILL ASSESSMENT ONCE EVERY FOUR YEARS TO BECOME CERTIFIED BY THE SECRETARY OF STATE INSTEAD OF EVERY YEAR; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1331

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representatives Goodin, McCarty, Tubb, Tullos

To: Apportionment and Elections

HOUSE BILL NO. 1331

AN ACT TO AMEND SECTIONS 23-15-213 AND 23-15-211, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ELECTION COMMISSIONERS SHALL ONLY BE REQUIRED TO TAKE THE SKILL ASSESSMENT ONCE EVERY FOUR YEARS TO BECOME CERTIFIED BY THE SECRETARY OF STATE INSTEAD OF EVERY YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-213, Mississippi Code of 1972, is amended as follows:

[Until December 31, 2022, this section shall read as follows:]

23-15-213. (1) At the general election in 2020, there shall be elected five (5) election commissioners for each county whose terms of office shall commence on the first Monday of January following their election. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The oath shall be filed in the office of the clerk of the chancery court. Upon filing the oath of office, the

election commissioner may be provided access to the Statewide Elections Management System for the purpose of performing his or her duties. Such skills assessment shall only be required once every four (4) years. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2) The qualified electors of each supervisors district shall elect, at the general election in 2020, in their district one (1) election commissioner. The election commissioners from board of supervisors' Districts One, Three and Five shall serve for a term of four (4) years. The election commissioners from board of supervisors' Districts Two and Four shall serve for a term of three (3) years. No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each supervisors district of the county and that each commissioner be elected from the supervisors district in which he or she resides.

(3) Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than the first Monday in June of the year in which

the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

(5) Upon taking office, the county election commissioners shall organize by electing a chair and a secretary.

(6) It shall be the duty of the chair to have the official ballot printed and distributed at each general or special election.

[From and after January 1, 2023, this section shall read as follows:]

23-15-213. (1) There shall be elected five (5) election commissioners for each county whose terms of office shall commence on the first Monday of January following their election and who shall serve for a term of four (4) years. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The oath shall be filed in the office of the clerk of the chancery court. Upon filing the oath of office, the election commissioner may be provided access to the Statewide Elections Management System for the purpose of performing his or her duties. Such skills assessment shall only be required once every four (4) years. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2) (a) At the general election in 2024 and every four (4) years thereafter, the qualified electors of the board of

supervisors' Districts One, Three and Five shall elect in their district one (1) election commissioner.

(b) At the general election in 2023 and every four (4) years thereafter, the qualified electors of the board of supervisors' Districts Two and Four shall elect in their district one (1) election commissioner.

(c) No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each supervisors district of the county and that each commissioner be elected from the supervisors district in which he or she resides.

(3) Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than February 1 of the year in which the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors

on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

(5) In the first meeting in January of each year, the county election commissioners shall organize by electing a chair and a secretary, who shall serve a one * * *-year term. The county election commissioners shall provide the names of the chair and secretary to the Secretary of State and provide notice of any change in officers which may occur during the year.

(6) It shall be the duty of the chair to have the official ballot printed and distributed at each general or special election.

SECTION 2. Section 23-15-211, Mississippi Code of 1972, is amended as follows:

23-15-211. (1) There shall be a State Board of Election Commissioners to consist of the following members:

(a) The Governor, who shall serve as chair;

(b) The Secretary of State, who shall serve as secretary, maintain minutes of all meetings and accept service of process on behalf of the board; and

(c) The Attorney General.

Any two (2) of the members of the State Board of Election Commissioners may perform the duties required of the board.

(2) The duties of the board shall include, but not be limited to, the following:

(a) Ruling on a candidate's qualifications to run for statewide, Supreme Court, Court of Appeals, congressional district, circuit and chancery court district, and other state district offices;

(b) Approving the state ballot for the offices stated in paragraph (a) of this subsection (2);

(c) Removing the names of candidates from the ballot for failure to comply with campaign finance filing requirements

for the offices stated in paragraph (a) of this subsection (2) in previous election cycles; and

(d) Adopting any administrative rules and regulations as are necessary to carry out the statutory duties of the board.

(3) The board of supervisors of each county shall pay members of the county election commission for attending training events a per diem in the amount provided in Section 23-15-153; however, except as otherwise provided in this section, the per diem shall not be paid to an election commissioner for more than twelve (12) days of training per year and shall only be paid to election commissioners who actually attend and complete a training event and obtain a training certificate.

(4) Included in this twelve (12) days shall be an elections seminar, conducted and sponsored by the Secretary of State. Election commissioners and chairpersons of each political party executive committee, or their designee, shall be required to attend. An election commissioner shall be certified by the Secretary of State only after attending the annual elections seminar and satisfactorily completing the skills assessment provided for in Section 23-15-213. Such skills assessment shall only be required once every four (4) years.

(5) Each participant shall receive a certificate from the Secretary of State indicating that the named participant has received the elections training seminar instruction and satisfactorily completed the skills assessment provided for in

Section 23-15-213. Election commissioners shall annually file the certificate with the chancery clerk. If any election commissioner shall fail to file the certificate by April 30 of each year, his or her office shall be vacated, absent exigent circumstances as determined by the board of supervisors and consistent with the facts. The vacancy shall be declared by the board of supervisors and the vacancy shall be filled in the manner described by law. Before declaring the office vacant, the board of supervisors shall give the election commissioner notice and the opportunity for a hearing.

(6) The Secretary of State, upon approval of the board of supervisors, may authorize not more than eight (8) additional training days per year for election commissioners in one or more counties. The board of supervisors of each county shall pay members of the county election commission for attending training on these days a per diem in the amount provided in Section 23-15-153.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1341

Description: Municipal candidates; clarify residency requirements of certain.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Apportionment and Elections
2	02/01	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/11	(S) Referred To Elections; Accountability, Efficiency, Transparency
6	02/28	(S) DR - TSDP: EL To AC
7	03/01	(S) Title Suff Do Pass
8	03/08	(S) Passed {Vote}
9	03/09	(S) Returned For Enrolling
10	03/10	(H) Enrolled Bill Signed
11	03/11	(S) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: A 021-0008-0007

----- Additional Information -----

House Committee: Apportionment and Elections
Senate Committee: Elections, Accountability, Efficiency, Transparency

Principal Author: McGee

Title: AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNCIL MEMBERS ELECTED TO REPRESENT WARDS MUST BE RESIDENTS OF THEIR WARDS FOR TWO YEARS AT THE TIME OF QUALIFICATION FOR AN ELECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative McGee

To: Apportionment and Elections

HOUSE BILL NO. 1341

AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNCIL MEMBERS ELECTED TO REPRESENT WARDS MUST BE RESIDENTS OF THEIR WARDS FOR TWO YEARS AT THE TIME OF QUALIFICATION FOR AN ELECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 21-8-7, Mississippi Code of 1972, is amended as follows:

21-8-7. (1) Each municipality operating under the mayor-council form of government shall be governed by an elected council and an elected mayor. Other officers and employees shall be duly appointed pursuant to this chapter, general law or ordinance.

(2) Except as otherwise provided in subsection (4) of this section, the mayor and council members shall be elected by the voters of the municipality at a regular municipal election held on the first Tuesday after the first Monday in June as provided in Section 21-11-7, and shall serve for a term of four (4) years beginning on the first day of July next following the election that is not on a weekend.

(3) The terms of the initial mayor and council members shall commence at the expiration of the terms of office of the elected officials of the municipality serving at the time of adoption of the mayor-council form.

(4) (a) The council shall consist of five (5), seven (7) or nine (9) members. In the event there are five (5) council members, the municipality shall be divided into either five (5) or four (4) wards. In the event there are seven (7) council members, the municipality shall be divided into either seven (7), six (6) or five (5) wards. In the event there are nine (9) council members, the municipality shall be divided into seven (7) or nine (9) wards. If the municipality is divided into fewer wards than it has council members, the other council member or members shall be elected from the municipality at large. The total number of council members and the number of council members elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) council member shall be elected from each ward by the voters of that ward. Council members elected to represent wards must be residents of their wards for two (2) years as provided in Section 23-15-300 at the time of qualification for election, and any council member who removes the member's residence from the municipality or from the ward from which elected shall vacate that office. However, any candidate for council member who is properly qualified as a candidate under applicable law shall be deemed to be qualified as

a candidate in whatever ward the member resides if the ward has changed after the council has redistricted the municipality as provided in paragraph (c)(ii) of this subsection (4), and if the wards have been so changed, any person may qualify as a candidate for council member, * * * by changing the person's residence, not less than fifteen (15) days before the first party primary or special party primary, as the case may be, notwithstanding any other residency or qualification requirements to the contrary.

(b) The council or board existing at the time of the adoption of the mayor-council form of government shall designate the geographical boundaries of the wards within one hundred twenty (120) days after the election in which the mayor-council form of government is selected. In designating the geographical boundaries of the wards, each ward shall contain, as nearly as possible, the population factor obtained by dividing the municipality's population as shown by the most recent decennial census by the number of wards into which the municipality is to be divided.

(c) (i) It shall be the mandatory duty of the council to redistrict the municipality by ordinance, which ordinance may not be vetoed by the mayor, within six (6) months after the official publication by the United States of the population of the municipality as enumerated in each decennial census, and within six (6) months after the effective date of any expansion of municipal boundaries; however, if the publication of the most

recent decennial census or effective date of an expansion of the municipal boundaries occurs six (6) months or more before the first party primary of a general municipal election, then the council shall redistrict the municipality by ordinance not less than sixty (60) days before the first party primary.

(ii) If the publication of the most recent decennial census occurs less than six (6) months before the first primary of a general municipal election, the election shall be held with regard to the existing defined wards; reapportioned wards based on the census shall not serve as the basis for representation until the next regularly scheduled election in which council members shall be elected.

(d) If annexation of additional territory into the municipal corporate limits of the municipality occurs less than six (6) months before the first party primary of a general municipal election, the council shall, by ordinance adopted within three (3) days of the effective date of the annexation, assign the annexed territory to an adjacent ward or wards so as to maintain as nearly as possible substantial equality of population between wards; any subsequent redistricting of the municipality by ordinance as required by this chapter shall not serve as the basis for representation until the next regularly scheduled election for municipal council members.

(5) Vacancies occurring in the council shall be filled as provided in Section 23-15-857.

(6) The mayor shall maintain an office at the city hall. The council members shall not maintain individual offices at the city hall; however, in a municipality having a population of one hundred thousand (100,000) and above according to the latest federal decennial census, council members may have individual offices in the city hall. Clerical work of council members in the performance of the duties of their office shall be performed by municipal employees or at municipal expense, and council members shall be reimbursed for the reasonable expenses incurred in the performance of the duties of their office.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1360

Description: Banks and savings associations; align merger approval with the Mississippi Business Corporation Act.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Banking and Financial Services
2	01/25	(H)	Title Suff Do Pass
3	02/08	(H)	Passed {Vote}
4	02/09	(H)	Transmitted To Senate
5	02/11	(S)	Referred To Business and Financial Institutions
6	02/22	(S)	Title Suff Do Pass
7	03/02	(S)	Passed {Vote}
8	03/03	(S)	Returned For Enrolling
9	03/03	(H)	Enrolled Bill Signed
10	03/04	(S)	Enrolled Bill Signed
11	03/10		Approved by Governor

Code Section: A 081-0005-0085, A 081-0005-0097

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: Turner
Additional Authors: Brown (20th), Stamps

Title: AN ACT TO AMEND SECTION 81-5-85, MISSISSIPPI CODE OF 1972, TO ALIGN BANK AND SAVINGS ASSOCIATION MERGER APPROVAL WITH PROVISIONS OF THE MISSISSIPPI BUSINESS CORPORATION ACT; TO AMEND SECTION 81-5-97, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN THE COMMISSIONER OF BANKING MAY APPROVE BANK OR BANK BRANCH CLOSURES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Turner, Brown (20th), Stamps

To: Banking and Financial Services

HOUSE BILL NO. 1360

AN ACT TO AMEND SECTION 81-5-85, MISSISSIPPI CODE OF 1972, TO ALIGN BANK AND SAVINGS ASSOCIATION MERGER APPROVAL WITH PROVISIONS OF THE MISSISSIPPI BUSINESS CORPORATION ACT; TO AMEND SECTION 81-5-97, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN THE COMMISSIONER OF BANKING MAY APPROVE BANK OR BANK BRANCH CLOSURES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-5-85, Mississippi Code of 1972, is amended as follows:

81-5-85. * * * A bank * * * chartered * * * by the State of Mississippi, may, with the approval of the commissioner, * * * enter into a business combination with another bank, savings bank, savings and loan association or other entity, on such terms and conditions, as may be lawfully agreed upon, adopted and approved in a * * * plan of merger or share exchange in accordance with Article 11, Chapter 4 of Title 79, Mississippi Code of 1972, and provided that the survivor is a financial institution insured by the Federal Deposit Insurance Corporation. Following receipt of the required corporate approvals and approval of the * * * plan of merger or share exchange plan by the commissioner, the resulting

amendments to charters of * * * the survivor shall be approved and filed with other state officials in accordance with Section 81-3-15. The capital stock of * * * the survivor shall not be less than that required under * * * applicable law for the * * * survivor. And all the rights, franchises and interests of the institutions so consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such * * * survivor without any deed or other transfer, and the said * * * survivor shall hold and enjoy the same and all rights of property, franchises and interests in the same manner and to the same extent as were held and enjoyed by the institutions so * * * combined.

A bank chartered by the State of Mississippi may, with the approval of the commissioner, sell or transfer all, or substantially all, of its assets, liabilities, and businesses only to another bank, savings bank, savings and loan association or other entity, in a transaction agreed upon, adopted and approved in accordance with Article 12, Chapter 4, Title 79, Mississippi Code of 1972, and provided that the buyer or transferee is a financial institution insured by the Federal Deposit Insurance Corporation.

Any national bank, state or federal savings and loan association, or state or federal savings bank may apply for conversion into a state-chartered bank upon the affirmative vote of the shareholders owning at least two-thirds (2/3) of its

capital stock outstanding, or of fifty-one percent (51%) or more of the total number of the members, at a meeting called by the directors, notice of which, specifying the purpose, shall be given the manner required by the bylaws, or in the absence of such bylaw, then by sending the notice to each shareholder of record by registered mail at least ten (10) days before the meeting. Upon such affirmative vote, the converting institution may apply for a certificate of authority by filing with the commissioner a certificate signed by its president and cashier which sets forth the corporate action herein prescribed and asserts that the institution has complied with the provisions of the laws of the United States. The converting institution shall also file with the commissioner the plan of conversion and the proposed amendments to its articles of incorporation as approved by the stockholders for the operation of the institution as a state bank. Upon receipt of the prescribed application, the commissioner shall examine all facts associated with the conversion. The expenses and cost incurred for such special examination shall be paid by the institution applying for permission to convert. The commissioner shall present his findings and recommendations to the State Board of Banking Review for consideration. Upon approval by the State Board of Banking Review, the commissioner shall issue a certificate of authority to the applicant allowing the conversion to proceed.

Any bank, savings and loan association or savings bank chartered by the State of Mississippi is hereby authorized to convert into, consolidate with, or merge with a national bank * * *, with the national bank charter surviving, without approval of the Department of Banking and Consumer Finance, the Commissioner of Banking and Consumer Finance, or any state authority whatsoever.

Notwithstanding any provision of law to the contrary, if any bank, savings and loan association or savings bank chartered by the State of Mississippi has or proposes to engage in a business combination or sale or transfer of substantially all assets that is not authorized under this section, the commissioner shall enforce the provisions of this section by issuing a cease-and-desist order.

The bank, savings and loan association or savings bank may appeal such order to the First Judicial District of Hinds County, Mississippi. Said appeal must be filed within thirty (30) days from the date the order was issued.

SECTION 2. Section 81-5-97, Mississippi Code of 1972, is amended as follows:

81-5-97. The commissioner of banking and consumer finance may, from time to time, adopt and promulgate rules regulating banking hours, and such rules shall have all the force and effect of law. In addition thereto, the commissioner may permit a bank or bank branches to close * * * for business at such time or times

during the week as the commissioner determines will not prevent the rendering of proper and reasonable banking service to the community and trade area in which the bank is located. Unless emergency circumstances exist as determined by the commissioner, the commissioner shall not authorize any bank to close for more than * * * two (2) whole days during any week, state and federal legal holidays and Sundays excepted * * *. However, * * * in the event any state or federal legal holiday shall fall on a Saturday, then * * * banks * * * may observe the preceding Friday as a legal holiday, or if such holiday shall fall on Sunday, then * * * banks * * * may observe the next following Monday as a legal holiday.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1485

Description: Harvest permits; extend repealer on provisions establishing maximum weight and approved routes of vehicles.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Transportation
2	02/01	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/11	(S) Referred To Highways and Transportation
6	02/23	(S) Title Suff Do Pass
7	02/24	(S) Passed {Vote}
8	02/24	(S) Immediate Release
9	02/24	(S) Returned For Enrolling
10	02/24	(H) Enrolled Bill Signed
11	02/25	(S) Enrolled Bill Signed
12	03/03	Approved by Governor

Code Section: A 063-0005-0033

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation

Principal Author: Roberson

Title: AN ACT TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISIONS OF LAW THAT PROVIDE FOR THE MAXIMUM WEIGHT OF HARVEST PERMIT VEHICLES AND REQUIRE CERTAIN HARVEST PERMIT HOLDERS TO GET PRIOR APPROVAL FOR THEIR ROUTES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson To: Transportation

HOUSE BILL NO. 1485

AN ACT TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISIONS OF LAW THAT PROVIDE FOR THE MAXIMUM WEIGHT OF HARVEST PERMIT VEHICLES AND REQUIRE CERTAIN HARVEST PERMIT HOLDERS TO GET PRIOR APPROVAL FOR THEIR ROUTES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-5-33, Mississippi Code of 1972, is amended as follows:

[Effective until July 1, 2023, this section will read as follows:]

63-5-33. (1) Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles of a vehicle or a combination of vehicles shall not exceed the value given in the following table (Table III) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways designated by the Mississippi Transportation Commission as being capable of carrying

the maximum load limits and, in addition thereto, such other highways or parts of highways found by the commission to be suitable to carry the maximum load limits from an engineering standpoint, and so designated as such by order of the commission entered upon its minutes and published once each week for three (3) consecutive weeks in a daily newspaper published in this state and having a general circulation therein. The maximum total combined weight carried on any group of two (2) or more consecutive axles shall be determined by the formula contained in the Federal Weight Law enacted January 4, 1975, as follows: W=500 (LN/N-1+12N+36) where W=maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred (500) pounds, L=distance in feet between the extremes of any group of two (2) or more consecutive axles, and N=number of axles in any group under consideration.

TABLE III

DISTANCE IN FEET BETWEEN THE EXTREMES OF ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES	MAXIMUM LOAD IN POUNDS CARRIED ON ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles

4	34,000						
5	34,000						
6	34,000		Axle groups in				
7	34,000						
8 and less	34,000	34,000	these spacings				
More than 8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500	impractical				
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	

70	25	54,500	58,500	63,500	69,000	74,500
71	26	55,500	59,500	64,000	69,500	75,000
72	27	56,000	60,000	65,000	70,000	75,500
73	28	57,000	60,500	65,500	71,000	76,500
74	29	57,500	61,500	66,000	71,500	77,000
75	30	58,500	62,000	66,500	72,000	77,500
76	31	59,000	62,500	67,500	72,500	78,000
77	32	60,000	63,500	68,000	73,000	78,500
78	33		64,000	68,500	74,000	79,000
79	34		64,500	69,000	74,500	80,000
80	35		65,500	70,000	75,000	80,000
81	36		66,000	70,500	75,500	80,000
82	37		66,500	71,000	76,000	80,000
83	38		67,500	71,500	77,000	80,000
84	39		68,000	72,500	77,500	80,000
85	40		68,500	73,000	78,000	80,000
86	41		69,500	73,500	78,500	80,000
87	42		70,000	74,000	79,000	80,000
88	43		70,500	75,000	80,000	80,000
89	44		71,500	75,500	80,000	80,000
90	45		72,000	76,000	80,000	80,000
91	46		72,500	76,500	80,000	80,000
92	47		73,500	77,500	80,000	80,000
93	48		74,000	78,000	80,000	80,000
94	49		74,500	78,500	80,000	80,000

50	75,500	79,000	80,000	80,000
51	76,000	80,000	80,000	80,000
52	76,500	80,000	80,000	80,000
53	77,500	80,000	80,000	80,000
54	78,000	80,000	80,000	80,000
55	78,500	80,000	80,000	80,000
56	79,500	80,000	80,000	80,000
57	80,000	80,000	80,000	80,000

(2) Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing that the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, except that, until September 1, 1989, the axle distance for tank trailers, dump trailers and ocean transport container haulers may be thirty (30) feet or more. Such overall gross weight may not exceed eighty thousand (80,000) pounds, except as provided by this section.

(3) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling products in the manner set forth in this subsection, whether or not such vehicles are operating with a harvest permit, shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem. Vehicles operating without a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their

authorized gross vehicle weight, tandem or axle weight; except that the maximum gross vehicle weight of any such vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%). Vehicles operating without a harvest permit loading at a point of origin having scales available for weighing the vehicle shall not be eligible for any tolerance over the gross weight limit of eighty thousand (80,000) pounds. Vehicles operating with a harvest permit shall be allowed a tolerance not to exceed ten percent (10%) above their authorized tandem or axle weight, but the maximum gross vehicle weight of any such vehicle shall not exceed eighty-four thousand (84,000) pounds. However, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27. The tolerance allowed by this subsection shall only apply to the operation of vehicles from the point of loading to the point of unloading for processing, and to the operation of vehicles hauling sand, gravel, woodchips, wood shavings, sawdust, fill dirt, and agricultural products, and products for recycling or materials for the construction or repair of highways. The range of such operation shall not exceed a radius of one hundred (100) miles except where the products are being transported for processing within this state.

(4) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling prepackaged products, unloaded at a state port or to be loaded at a state port, which are containerized in such a manner as to make subdivision thereof impractical shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem, and a tolerance not to exceed ten percent (10%) above their authorized gross weight, tandem or axle weight; except that the maximum weight of any vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued pursuant to Section 27-19-81(4) shall be allowed a gross vehicle weight not to exceed eighty-four thousand (84,000) pounds. However, the board of supervisors of any county and the governing authorities of any municipality may designate the roads, streets and highways under their respective jurisdiction on and along which vehicles for which a harvest permit has been issued may travel. This subsection shall not apply to the federal interstate system.

(b) Any owner or operator who has been issued a harvest permit and who wishes to operate a vehicle on the roads, streets or highways under the jurisdiction of a county or municipality at a gross vehicle weight greater than the weight allowed by law or greater than the maximum weight established for such roads, streets or highways by the board of supervisors or municipal governing authorities, shall notify, in writing, the board of supervisors or the governing authorities, as the case may be, before operating such vehicle on the roads, streets or highways of such county or municipality. In his notice, the permit holder shall identify the routes over which he intends to operate vehicles for which the permit has been issued and the dates or time period during which he will be operating such vehicles. The board of supervisors or the governing authorities, as the case may be, shall have two (2) working days to respond in writing to the permit holder to notify the permit holder of the routes on and along which the permit holder may operate vehicles for which a harvest permit has been issued. Failure of the board of supervisors or the governing authorities timely to notify the permit holder and to designate the routes on and along which the permit holder may operate shall be considered as authorizing the permit holder to operate on any of the roads, streets or highways of the county or municipality in accordance with the authority granted to the permit holder by the harvest permit.

(c) Any time a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this subsection shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, * * *2025.

(6) Nothing in this section or subsections (1) through (4) of Section 63-5-27 shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the interstate highway system of this state on January 4, 1975.

(7) (a) Notwithstanding any provisions of Section 63-5-27 to the contrary, a vehicle that is operated by an engine fueled primarily by compressed or liquefied natural gas may exceed the gross vehicle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by the vehicle and the weight of a comparable diesel tank and fueling system.

(b) The weight exception provided in this subsection shall apply to all interstate highways per the exemption expressly permitted by 23 USC Section 127.

[Effective from and after July 1, 2023, this section will read as follows:]

63-5-33. (1) Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles of a vehicle or a combination of vehicles shall not exceed the value given in the following table (Table III) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways designated by the Mississippi Transportation Commission as being capable of carrying the maximum load limits and, in addition thereto, such other highways or parts of highways found by the commission to be suitable to carry the maximum load limits from an engineering

standpoint, and so designated as such by order of the commission entered upon its minutes and published once each week for three (3) consecutive weeks in a daily newspaper published in this state and having a general circulation therein. The maximum total combined weight carried on any group of two (2) or more consecutive axles shall be determined by the formula contained in the Federal Weight Law enacted January 4, 1975, as follows: W=500 (LN/N-1+12N+36) where W=maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred (500) pounds, L=distance in feet between the extremes of any group of two (2) or more consecutive axles, and N=number of axles in any group under consideration.

TABLE III

DISTANCE IN FEET BETWEEN THE EXTREMES OF ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES	MAXIMUM LOAD IN POUNDS CARRIED ON ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000		Axle groups in			

7	34,000						
8 and							
less	34,000	34,000	these spacings				
More							
than							
8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500	impractical				
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	
25		54,500	58,500	63,500	69,000	74,500	
26		55,500	59,500	64,000	69,500	75,000	
27		56,000	60,000	65,000	70,000	75,500	

293	28	57,000	60,500	65,500	71,000	76,500
294	29	57,500	61,500	66,000	71,500	77,000
295	30	58,500	62,000	66,500	72,000	77,500
296	31	59,000	62,500	67,500	72,500	78,000
297	32	60,000	63,500	68,000	73,000	78,500
298	33		64,000	68,500	74,000	79,000
299	34		64,500	69,000	74,500	80,000
300	35		65,500	70,000	75,000	80,000
301	36		66,000	70,500	75,500	80,000
302	37		66,500	71,000	76,000	80,000
303	38		67,500	71,500	77,000	80,000
304	39		68,000	72,500	77,500	80,000
305	40		68,500	73,000	78,000	80,000
306	41		69,500	73,500	78,500	80,000
307	42		70,000	74,000	79,000	80,000
308	43		70,500	75,000	80,000	80,000
309	44		71,500	75,500	80,000	80,000
310	45		72,000	76,000	80,000	80,000
311	46		72,500	76,500	80,000	80,000
312	47		73,500	77,500	80,000	80,000
313	48		74,000	78,000	80,000	80,000
314	49		74,500	78,500	80,000	80,000
315	50		75,500	79,000	80,000	80,000
316	51		76,000	80,000	80,000	80,000
317	52		76,500	80,000	80,000	80,000

53	77,500	80,000	80,000	80,000
54	78,000	80,000	80,000	80,000
55	78,500	80,000	80,000	80,000
56	79,500	80,000	80,000	80,000
57	80,000	80,000	80,000	80,000

(2) Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing that the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, except that, until September 1, 1989, the axle distance for tank trailers, dump trailers and ocean transport container haulers may be thirty (30) feet or more. Such overall gross weight may not exceed eighty thousand (80,000) pounds, except as provided by this section.

(3) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling products in the manner set forth in this subsection, whether or not such vehicles are operating with a harvest permit, shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem. Vehicles operating without a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their authorized gross vehicle weight, tandem or axle weight; except that the maximum gross vehicle weight of any such vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance

thereon of not more than two percent (2%). Vehicles operating without a harvest permit loading at a point of origin having scales available for weighing the vehicle shall not be eligible for any tolerance over the gross weight limit of eighty thousand (80,000) pounds. Vehicles operating with a harvest permit shall be allowed a tolerance not to exceed ten percent (10%) above their authorized gross vehicle weight, tandem or axle weight, but the maximum gross vehicle weight of any such vehicle shall not exceed eighty-eight thousand (88,000) pounds. However, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27. The tolerance allowed by this subsection shall only apply to the operation of vehicles from the point of loading to the point of unloading for processing, and to the operation of vehicles hauling sand, gravel, woodchips, wood shavings, sawdust, fill dirt, and agricultural products, and products for recycling or materials for the construction or repair of highways. The range of such operation shall not exceed a radius of one hundred (100) miles except where the products are being transported for processing within this state.

(4) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling prepackaged

products, unloaded at a state port or to be loaded at a state port, which are containerized in such a manner as to make subdivision thereof impractical shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem, and a tolerance not to exceed ten percent (10%) above their authorized gross weight, tandem or axle weight; except that the maximum weight of any vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued pursuant to Section 27-19-81(4) shall be allowed a gross vehicle weight tolerance of ten percent (10%), not to exceed eighty-eight thousand (88,000) pounds. However, the board of supervisors of any county and the governing authorities of any municipality may designate the roads, streets and highways under their respective jurisdiction on and along which vehicles for which a harvest permit has been issued may travel. This subsection shall not apply to the federal interstate system.

(b) Any owner or operator who has been issued a harvest permit and who wishes to operate a vehicle on the roads, streets

or highways under the jurisdiction of a county or municipality at a gross vehicle weight greater than the weight allowed by law or greater than the maximum weight established for such roads, streets or highways by the board of supervisors or municipal governing authorities, shall notify, in writing, the board of supervisors or the governing authorities, as the case may be, before operating such vehicle on the roads, streets or highways of such county or municipality. In his notice, the permit holder shall identify the routes over which he intends to operate vehicles for which the permit has been issued and the dates or time period during which he will be operating such vehicles. The board of supervisors or the governing authorities, as the case may be, shall have two (2) working days to respond in writing to the permit holder to notify the permit holder of the routes on and along which the permit holder may operate vehicles for which a harvest permit has been issued. Failure of the board of supervisors or the governing authorities timely to notify the permit holder and to designate the routes on and along which the permit holder may operate shall be considered as authorizing the permit holder to operate on any of the roads, streets or highways of the county or municipality in accordance with the authority granted to the permit holder by the harvest permit.

(c) Any time a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing

authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this subsection shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, * * *2025.

(6) Nothing in this section or subsections (1) through (4) of Section 63-5-27 shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the interstate highway system of this state on January 4, 1975.

(7) (a) Notwithstanding any provisions of Section 63-5-27 to the contrary, a vehicle that is operated by an engine fueled primarily by compressed or liquefied natural gas may exceed the gross vehicle weight limits by an amount, not to exceed a maximum

of two thousand (2,000) pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by the vehicle and the weight of a comparable diesel tank and fueling system.

(b) The weight exception provided in this subsection shall apply to all interstate highways per the exemption expressly permitted by 23 USC Section 127.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1486

Description: CDLs; require Commissioner of DPS to provide for waivers of certain tests.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Transportation
2	02/01	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/03	(H) Motion to Reconsider Entered (Busby, Massengill)
5	02/10	(H) Reconsidered
6	02/10	(H) Amended
7	02/10	(H) Passed As Amended {Vote}
8	02/14	(H) Transmitted To Senate
9	02/15	(S) Referred To Highways and Transportation
10	02/23	(S) Title Suff Do Pass
11	03/07	(S) Passed {Vote}
12	03/08	(S) Returned For Enrolling
13	03/09	(H) Enrolled Bill Signed
14	03/10	(S) Enrolled Bill Signed
15	03/16	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 063-0001-0208

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation

Principal Author: Oliver

Title: AN ACT TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972, TO REVISE THE COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS

TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO PROVIDE FOR WAIVERS FOR CERTAIN TESTS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1486

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Oliver To: Transportation

HOUSE BILL NO. 1486
(As Passed the House)

AN ACT TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972, TO REVISE THE COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO PROVIDE FOR WAIVERS FOR CERTAIN TESTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-208, Mississippi Code of 1972, is amended as follows:

63-1-208. (1) Except as otherwise provided, the commissioner shall not issue a commercial driver's license and commercial learner's permit to any person under the age of twenty-one (21) years.

(2) No person may be issued a commercial driver's license unless that person is domiciled in this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR, Part 383, subparts F, G and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed

and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.

(3) (a) Any person who has been certified to provide commercial driver's license testing by the International Driver Examiner Certification (IDEC) program administered by the American Association of Motor Vehicle Administrators (AAMVA) shall, for purposes of this section, be defined as a certified third party examiner (CTPE). In addition, the commissioner shall authorize any person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the knowledge and skills test specified by this section, provided:

(i) The test is the same as would otherwise be administered by the state; and

(ii) Either: 1. The third party has entered into an agreement with this state which complies with requirements of 49 CFR, Part 383.75; or

2. The third party is a CTPE as defined in this subsection. The CTPE shall not be a direct employee of a trucking company.

(b) A CTPE performing testing under this section shall not be liable for any claim sounding in tort arising out of such testing.

(4) (a) * * * The following tests may be waived as * * * provided in this subsection (4):

(i) Knowledge test;

(ii) Driving skills test;

(iii) Passenger endorsement test;

(iv) Tank vehicle endorsement test; and

(v) Hazardous materials test.

(* * *b) The commissioner, by rules adopted pursuant to the Mississippi Administrative Procedures Law, shall provide for a waiver of the * * * tests specified in this section and entry level driver training for a commercial driver's license applicant who meets the requirements of 49 CFR, Part 383.77;

(* * *c) The rules may establish deadlines by which applicants must claim entitlement and qualification to * * * test waivers and may provide for the scheduling of group knowledge testing;

(* * *d) The commissioner shall adopt rules and regulations to carry out the provisions of this subsection (4) as soon as practicable after July 1, * * * 2022, but in any case no later than July 1, * * * 2023.

(5) A commercial learner's permit shall be issued as follows:

(a) A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made;

(b) The commercial learner's permit shall be issued for a period of * * * one (1) year for the fee prescribed in Section 63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(6) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state. A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.

(7) A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license

is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state.

(8) Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided:

(a) The driver is physically examined every year, including an examination by a * * * treating clinician attesting to the fact that the driver is:

(i) Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);

(ii) Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and

(iii) Not likely to suffer any diminution in driving ability due to the person's diabetic condition.

(b) The driver agrees to and complies with the following conditions:

(i) A source of rapidly absorbable glucose shall be carried at all times while driving;

(ii) Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4)

hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;

(iii) Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;

(iv) Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and

(v) Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.

(c) The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.

(d) For purposes of this section, "treating clinician" means a healthcare professional who manages and prescribes insulin for the treatment of the individual's diabetes mellitus.

(9) The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section 63-1-43.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1529

Description: Income tax; revise definition of gross income and authorize deduction for certain expenses.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: January 1, 2020

History of Actions:

1	02/01	(H) Referred To Ways and Means
2	02/01	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Finance
6	03/10	(S) Title Suff Do Pass
7	03/10	(S) Passed {Vote}
8	03/10	(S) Immediate Release
9	03/10	(S) Returned For Enrolling
10	03/11	(H) Enrolled Bill Signed
11	03/11	(S) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: A 027-0007-0015, A 027-0007-0017, A 057-0121-0007

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 27-7-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "GROSS INCOME" UNDER THE STATE INCOME TAX LAW TO EXCLUDE AMOUNTS RECEIVED AS GRANTS UNDER THE SHUTTERED VENUE OPERATORS GRANT PROGRAM AND RESTAURANT REVITALIZATION FUND AUTHORIZED BY THE ECONOMIC AID TO HARD-HIT SMALL BUSINESSES, NONPROFITS, AND VENUES ACT, AND AMENDED BY THE FEDERAL AMERICAN RESCUE PLAN ACT; TO EXCLUDE AMOUNTS RECEIVED AS GRANTS UNDER THE MISSISSIPPI AGRICULTURE STABILIZATION ACT; TO AMEND SECTION 27-7-17, MISSISSIPPI CODE OF 1972,

TO AUTHORIZE INCOME TAX DEDUCTIONS FOR OTHERWISE DEDUCTIBLE EXPENSES THAT WERE ALLOWED AS DEDUCTIONS UNDER SECTION 57-121-7; TO AUTHORIZE INCOME TAX DEDUCTIONS FOR OTHERWISE DEDUCTIBLE EXPENSES IF PAYMENT FOR SUCH EXPENSES IS MADE WITH THE GRANT OR LOAN PROGRAM OF THE SHUTTERED VENUE OPERATORS GRANT PROGRAM AND RESTAURANT REVITALIZATION FUND AUTHORIZED BY THE ECONOMIC AID TO HARD-HIT SMALL BUSINESSES, NONPROFITS, AND VENUES ACT, AND AMENDED BY THE FEDERAL AMERICAN RESCUE PLAN ACT OR THE MISSISSIPPI AGRICULTURE STABILIZATION ACT; TO AMEND SECTION 57-121-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1529

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1529

AN ACT TO AMEND SECTION 27-7-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "GROSS INCOME" UNDER THE STATE INCOME TAX LAW TO EXCLUDE AMOUNTS RECEIVED AS GRANTS UNDER THE SHUTTERED VENUE OPERATORS GRANT PROGRAM AND RESTAURANT REVITALIZATION FUND AUTHORIZED BY THE ECONOMIC AID TO HARD-HIT SMALL BUSINESSES, NONPROFITS, AND VENUES ACT, AND AMENDED BY THE FEDERAL AMERICAN RESCUE PLAN ACT; TO EXCLUDE AMOUNTS RECEIVED AS GRANTS UNDER THE MISSISSIPPI AGRICULTURE STABILIZATION ACT; TO AMEND SECTION 27-7-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE INCOME TAX DEDUCTIONS FOR OTHERWISE DEDUCTIBLE EXPENSES THAT WERE ALLOWED AS DEDUCTIONS UNDER SECTION 57-121-7; TO AUTHORIZE INCOME TAX DEDUCTIONS FOR OTHERWISE DEDUCTIBLE EXPENSES IF PAYMENT FOR SUCH EXPENSES IS MADE WITH THE GRANT OR LOAN PROGRAM OF THE SHUTTERED VENUE OPERATORS GRANT PROGRAM AND RESTAURANT REVITALIZATION FUND AUTHORIZED BY THE ECONOMIC AID TO HARD-HIT SMALL BUSINESSES, NONPROFITS, AND VENUES ACT, AND AMENDED BY THE FEDERAL AMERICAN RESCUE PLAN ACT OR THE MISSISSIPPI AGRICULTURE STABILIZATION ACT; TO AMEND SECTION 57-121-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-15, Mississippi Code of 1972, is amended as follows:

27-7-15. (1) For the purposes of this article, except as otherwise provided, the term "gross income" means and includes the income of a taxpayer derived from salaries, wages, fees or compensation for service, of whatever kind and in whatever form

paid, including income from governmental agencies and subdivisions thereof; or from professions, vocations, trades, businesses, commerce or sales, or renting or dealing in property, or reacquired property; also from annuities, interest, rents, dividends, securities, insurance premiums, reinsurance premiums, considerations for supplemental insurance contracts, or the transaction of any business carried on for gain or profit, or gains, or profits, and income derived from any source whatever and in whatever form paid. The amount of all such items of income shall be included in the gross income for the taxable year in which received by the taxpayer. The amount by which an eligible employee's salary is reduced pursuant to a salary reduction agreement authorized under Section 25-17-5 shall be excluded from the term "gross income" within the meaning of this article.

(2) In determining gross income for the purpose of this section, the following, under regulations prescribed by the commissioner, shall be applicable:

(a) **Dealers in property.** Federal rules, regulations and revenue procedures shall be followed with respect to installment sales unless a transaction results in the shifting of income from inside the state to outside the state.

(b) **Casual sales of property.**

(i) Prior to January 1, 2001, federal rules, regulations and revenue procedures shall be followed with respect to installment sales except they shall be applied and administered

as if H.R. 3594, the Installment Tax Correction Act of 2000 of the 106th Congress, had not been enacted. This provision will generally affect taxpayers, reporting on the accrual method of accounting, entering into installment note agreements on or after December 17, 1999. Any gain or profit resulting from the casual sale of property will be recognized in the year of sale.

(ii) From and after January 1, 2001, federal rules, regulations and revenue procedures shall be followed with respect to installment sales except as provided in this subparagraph (ii). Gain or profit from the casual sale of property shall be recognized in the year of sale. When a taxpayer recognizes gain on the casual sale of property in which the gain is deferred for federal income tax purposes, a taxpayer may elect to defer the payment of tax resulting from the gain as allowed and to the extent provided under regulations prescribed by the commissioner. If the payment of the tax is made on a deferred basis, the tax shall be computed based on the applicable rate for the income reported in the year the payment is made. Except as otherwise provided in subparagraph (iii) of this paragraph (b), deferring the payment of the tax shall not affect the liability for the tax. If at any time the installment note is sold, contributed, transferred or disposed of in any manner and for any purpose by the original note holder, or the original note holder is merged, liquidated, dissolved or withdrawn from this state,

then all deferred tax payments under this section shall immediately become due and payable.

(iii) If the selling price of the property is reduced by any alteration in the terms of an installment note, including default by the purchaser, the gain to be recognized is recomputed based on the adjusted selling price in the same manner as for federal income tax purposes. The tax on this amount, less the previously paid tax on the recognized gain, is payable over the period of the remaining installments. If the tax on the previously recognized gain has been paid in full to this state, the return on which the payment was made may be amended for this purpose only. The statute of limitations in Section 27-7-49 shall not bar an amended return for this purpose.

(c) **Reserves of insurance companies.** In the case of insurance companies, any amounts in excess of the legally required reserves shall be included as gross income.

(d) **Affiliated companies or persons.** As regards sales, exchanges or payments for services from one to another of affiliated companies or persons or under other circumstances where the relation between the buyer and seller is such that gross proceeds from the sale or the value of the exchange or the payment for services are not indicative of the true value of the subject matter of the sale, exchange or payment for services, the commissioner shall prescribe uniform and equitable rules for determining the true value of the gross income, gross sales,

exchanges or payment for services, or require consolidated returns of affiliates.

(e) **Alimony and separate maintenance payments.** The federal rules, regulations and revenue procedures in determining the deductibility and taxability of alimony payments shall be followed in this state.

(f) **Reimbursement for expenses of moving.** There shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one (1) residence to another residence which is attributable to employment or self-employment.

(3) In the case of taxpayers other than residents, gross income includes gross income from sources within this state.

(4) The words "gross income" do not include the following items of income which shall be exempt from taxation under this article:

(a) The proceeds of life insurance policies and contracts paid upon the death of the insured. However, the income from the proceeds of such policies or contracts shall be included in the gross income.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insurance policies, endowment, or annuity contracts, either during the term or at maturity or upon surrender of the contract.

(c) The value of property acquired by gift, bequest, devise or descent, but the income from such property shall be included in the gross income.

(d) Interest upon the obligations of the United States or its possessions, or securities issued under the provisions of the Federal Farm Loan Act of 1916, or bonds issued by the War Finance Corporation, or obligations of the State of Mississippi or political subdivisions thereof.

(e) The amounts received through accident or health insurance as compensation for personal injuries or sickness, plus the amount of any damages received for such injuries or such sickness or injuries, or through the War Risk Insurance Act, or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States.

(f) Income received by any religious denomination or by any institution or trust for moral or mental improvements, religious, Bible, tract, charitable, benevolent, fraternal, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes or for two (2) or more of such purposes, if such income be used exclusively for carrying out one or more of such purposes.

(g) Income received by a domestic corporation which is "taxable in another state" as this term is defined in this article, derived from business activity conducted outside this state. Domestic corporations taxable both within and without the

state shall determine Mississippi income on the same basis as provided for foreign corporations under the provisions of this article.

(h) In case of insurance companies, there shall be excluded from gross income such portion of actual premiums received from an individual policyholder as is paid back or credited to or treated as an abatement of premiums of such policyholder within the taxable year.

(i) Income from dividends that has already borne a tax as dividend income under the provisions of this article, when such dividends may be specifically identified in the possession of the recipient.

(j) Amounts paid by the United States to a person as added compensation for hazardous duty pay as a member of the Armed Forces of the United States in a combat zone designated by Executive Order of the President of the United States.

(k) Amounts received as retirement allowances, pensions, annuities or optional retirement allowances paid under the federal Social Security Act, the Railroad Retirement Act, the Federal Civil Service Retirement Act, or any other retirement system of the United States government, retirement allowances paid under the Mississippi Public Employees' Retirement System, Mississippi Highway Safety Patrol Retirement System or any other retirement system of the State of Mississippi or any political subdivision thereof. The exemption allowed under this paragraph

(k) shall be available to the spouse or other beneficiary at the death of the primary retiree.

(l) Amounts received as retirement allowances, pensions, annuities or optional retirement allowances paid by any public or governmental retirement system not designated in paragraph (k) or any private retirement system or plan of which the recipient was a member at any time during the period of his employment. Amounts received as a distribution under a Roth Individual Retirement Account shall be treated in the same manner as provided under the Internal Revenue Code of 1986, as amended. The exemption allowed under this paragraph (l) shall be available to the spouse or other beneficiary at the death of the primary retiree.

(m) National Guard or Reserve Forces of the United States compensation not to exceed the aggregate sum of Five Thousand Dollars ($5,000.00) for any taxable year through the 2005 taxable year, and not to exceed the aggregate sum of Fifteen Thousand Dollars ($15,000.00) for any taxable year thereafter.

(n) Compensation received for active service as a member below the grade of commissioned officer and so much of the compensation as does not exceed the maximum enlisted amount received for active service as a commissioned officer in the Armed Forces of the United States for any month during any part of which such members of the Armed Forces (i) served in a combat zone as designated by Executive Order of the President of the United

States or a qualified hazardous duty area as defined by federal law, or both; or (ii) was hospitalized as a result of wounds, disease or injury incurred while serving in such combat zone. For the purposes of this paragraph (n), the term "maximum enlisted amount" means and has the same definition as that term has in 26 USCS 112.

(o) The proceeds received from federal and state forestry incentive programs.

(p) The amount representing the difference between the increase of gross income derived from sales for export outside the United States as compared to the preceding tax year wherein gross income from export sales was highest, and the net increase in expenses attributable to such increased exports. In the absence of direct accounting, the ratio of net profits to total sales may be applied to the increase in export sales. This paragraph (p) shall only apply to businesses located in this state engaging in the international export of Mississippi goods and services. Such goods or services shall have at least fifty percent (50%) of value added at a location in Mississippi.

(q) Amounts paid by the federal government for the construction of soil conservation systems as required by a conservation plan adopted pursuant to 16 USCS 3801 et seq.

(r) The amount deposited in a medical savings account, and any interest accrued thereon, that is a part of a medical savings account program as specified in the Medical Savings

Account Act under Sections 71-9-1 through 71-9-9; provided, however, that any amount withdrawn from such account for purposes other than paying eligible medical expense or to procure health coverage shall be included in gross income.

(s) Amounts paid by the Mississippi Soil and Water Conservation Commission from the Mississippi Soil and Water Cost-Share Program for the installation of water quality best management practices.

(t) Dividends received by a holding corporation, as defined in Section 27-13-1, from a subsidiary corporation, as defined in Section 27-13-1.

(u) Interest, dividends, gains or income of any kind on any account in the Mississippi Affordable College Savings Trust Fund, as established in Sections 37-155-101 through 37-155-125, to the extent that such amounts remain on deposit in the MACS Trust Fund or are withdrawn pursuant to a qualified withdrawal, as defined in Section 37-155-105.

(v) Interest, dividends or gains accruing on the payments made pursuant to a prepaid tuition contract, as provided for in Section 37-155-17.

(w) Income resulting from transactions with a related member where the related member subject to tax under this chapter was required to, and did in fact, add back the expense of such transactions as required by Section 27-7-17(2). Under no circumstances may the exclusion from income exceed the deduction

add-back of the related member, nor shall the exclusion apply to any income otherwise excluded under this chapter.

(x) Amounts that are subject to the tax levied pursuant to Section 27-7-901, and are paid to patrons by gaming establishments licensed under the Mississippi Gaming Control Act.

(y) Amounts that are subject to the tax levied pursuant to Section 27-7-903, and are paid to patrons by gaming establishments not licensed under the Mississippi Gaming Control Act.

(z) Interest, dividends, gains or income of any kind on any account in a qualified tuition program and amounts received as distributions under a qualified tuition program shall be treated in the same manner as provided under the United States Internal Revenue Code, as amended. For the purposes of this paragraph (z), the term "qualified tuition program" means and has the same definition as that term has in 26 USCS 529.

(aa) The amount deposited in a health savings account, and any interest accrued thereon, that is a part of a health savings account program as specified in the Health Savings Accounts Act created in Sections 83-62-1 through 83-62-9; however, any amount withdrawn from such account for purposes other than paying qualified medical expenses or to procure health coverage shall be included in gross income, except as otherwise provided by Sections 83-62-7 and 83-62-9.

(bb) Amounts received as qualified disaster relief payments shall be treated in the same manner as provided under the United States Internal Revenue Code, as amended.

(cc) Amounts received as a "qualified Hurricane Katrina distribution" as defined in the United States Internal Revenue Code, as amended.

(dd) Amounts received by an individual which may be excluded from income as foreign earned income for federal income tax purposes.

(ee) Amounts received by a qualified individual, directly or indirectly, from an employer or nonprofit housing organization that are qualified housing expenses associated with an employer-assisted housing program. For purposes of this paragraph (ee):

(i) "Qualified individual" means any individual whose household income does not exceed one hundred twenty percent (120%) of the area median gross income (as defined by the United States Department of Housing and Urban Development), adjusted for household size, for the area in which the housing is located.

(ii) "Nonprofit housing organization" means an organization that is organized as a not-for-profit organization under the laws of this state or another state and has as one of its purposes:

1. Homeownership education or counseling;

2. The development of affordable housing; or

3. The development or administration of employer-assisted housing programs.

(iii) "Employer-assisted housing program" means a separate written plan of any employer (including, without limitation, tax-exempt organizations and public employers) for the exclusive benefit of the employer's employees to pay qualified housing expenses to assist the employer's employees in securing affordable housing.

(iv) "Qualified housing expenses" means:

1. With respect to rental assistance, an amount not to exceed Two Thousand Dollars ($2,000.00) paid for the purpose of assisting employees with security deposits and rental subsidies; and

2. With respect to homeownership assistance, an amount not to exceed the lesser of Ten Thousand Dollars ($10,000.00) or six percent (6%) of the purchase price of the employee's principal residence that is paid for the purpose of assisting employees with down payments, payment of closing costs, reduced interest mortgages, mortgage guarantee programs, mortgage forgiveness programs, equity contribution programs, or contributions to homebuyer education and/or homeownership counseling of eligible employees.

(ff) For the 2010 taxable year and any taxable year thereafter, amounts converted in accordance with the United States Internal Revenue Code, as amended, from a traditional Individual

Retirement Account to a Roth Individual Retirement Account. The exemption allowed under this paragraph (ff) shall be available to the spouse or other beneficiary at the death of the primary retiree.

(gg) Amounts received for the performance of disaster or emergency-related work as defined in Section 27-113-5.

(hh) The amount deposited in a catastrophe savings account established under Sections 27-7-1001 through 27-7-1007, interest income earned on the catastrophe savings account, and distributions from the catastrophe savings account; however, any amount withdrawn from a catastrophe savings account for purposes other than paying qualified catastrophe expenses shall be included in gross income, except as otherwise provided by Sections 27-7-1001 through 27-7-1007.

(ii) Interest, dividends, gains or income of any kind on any account in the Mississippi Achieving a Better Life Experience (ABLE) Trust Fund, as established in Chapter 28, Title 43, to the extent that such amounts remain on deposit in the ABLE Trust Fund or are withdrawn pursuant to a qualified withdrawal, as defined in Section 43-28-11.

(jj) Subject to the limitations provided under Section 27-7-1103, amounts deposited into a first-time homebuyer savings account and any interest or other income earned attributable to an account and monies or funds withdrawn or distributed from an account for the payment of eligible costs by or on behalf of a

qualified beneficiary; however, any monies or funds withdrawn or distributed from a first-time homebuyer savings account for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary shall be included in gross income. For the purpose of this paragraph (jj), the terms "first-time homebuyer savings account," "eligible costs" and "qualified beneficiary" mean and have the same definitions as such terms have in Section 27-7-1101.

(kk) Amounts paid by an agricultural disaster program as compensation to an agricultural producer, cattle farmer or cattle rancher who has suffered a loss as the result of a disaster or emergency, including, but not limited to, the following United States Department of Agriculture programs:

(i) Livestock Forage Disaster Program;

(ii) Livestock Indemnity Program;

(iii) Emergency Assistance for Livestock, Honey Bees and Farm-raised Fish Program;

(iv) Emergency Conservation Program;

(v) Noninsured Crop Disaster Assistance Program;

(vi) Pasture, Rangeland, Forage Pilot Insurance Program;

(vii) Annual Forage Pilot Program;

(viii) Livestock Risk Protection Insurance Program; and

(ix) Livestock Gross Margin Insurance Plan.

(ll) Amounts received as advances and/or grants under the federal Coronavirus Aid, Relief, and Economic Security Act, the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act.

(mm) Any and all cancelled indebtedness provided for under the Coronavirus Aid, Relief, and Economic Security Act and the Consolidated Appropriations Act of 2021.

(nn) Amounts received as payments under Section 27-3-85.

(oo) Amounts received as grants under the 2020 COVID-19 Mississippi Business Assistance Act.

(pp) Amounts received as grants under Section 57-1-521.

(rr) Amounts received as grants under the Shuttered Venue Operators Grant Program and Restaurant Revitalization Fund authorized by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the American Rescue Plan Act.

(ss) Amounts received as grants under the Mississippi Agriculture Stabilization Act.

(5) Prisoners of war, missing in action-taxable status.

(a) **Members of the Armed Forces.** Gross income does not include compensation received for active service as a member of the Armed Forces of the United States for any month during any part of which such member is in a missing status, as defined in

paragraph (d) of this subsection, during the Vietnam Conflict as a result of such conflict.

(b) **Civilian employees.** Gross income does not include compensation received for active service as an employee for any month during any part of which such employee is in a missing status during the Vietnam Conflict as a result of such conflict.

(c) **Period of conflict.** For the purpose of this subsection, the Vietnam Conflict began February 28, 1961, and ends on the date designated by the President by Executive Order as the date of the termination of combatant activities in Vietnam. For the purpose of this subsection, an individual is in a missing status as a result of the Vietnam Conflict if immediately before such status began he was performing service in Vietnam or was performing service in Southeast Asia in direct support of military operations in Vietnam. "Southeast Asia," as used in this paragraph, is defined to include Cambodia, Laos, Thailand and waters adjacent thereto.

(d) "Missing status" means the status of an employee or member of the Armed Forces who is in active service and is officially carried or determined to be absent in a status of (i) missing; (ii) missing in action; (iii) interned in a foreign country; (iv) captured, beleaguered or besieged by a hostile force; or (v) detained in a foreign country against his will; but does not include the status of an employee or member of the Armed

Forces for a period during which he is officially determined to be absent from his post of duty without authority.

(e) "Active service" means active federal service by an employee or member of the Armed Forces of the United States in an active duty status.

(f) "Employee" means one who is a citizen or national of the United States or an alien admitted to the United States for permanent residence and is a resident of the State of Mississippi and is employed in or under a federal executive agency or department of the Armed Forces.

(g) "Compensation" means (i) basic pay; (ii) special pay; (iii) incentive pay; (iv) basic allowance for quarters; (v) basic allowance for subsistence; and (vi) station per diem allowances for not more than ninety (90) days.

(h) If refund or credit of any overpayment of tax for any taxable year resulting from the application of this subsection (5) is prevented by the operation of any law or rule of law, such refund or credit of such overpayment of tax may, nevertheless, be made or allowed if claim therefor is filed with the Department of Revenue within three (3) years after the date of the enactment of this subsection.

(i) The provisions of this subsection shall be effective for taxable years ending on or after February 28, 1961.

(6) A shareholder of an S corporation, as defined in Section 27-8-3(1)(g), shall take into account the income, loss, deduction

or credit of the S corporation only to the extent provided in Section 27-8-7(2).

SECTION 2. Section 27-7-17, Mississippi Code of 1972, is amended as follows:

27-7-17. In computing taxable income, there shall be allowed as deductions:

(1) **Business deductions.**

(a) **Business expenses.** All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; nonreimbursable traveling expenses incident to current employment, including a reasonable amount expended for meals and lodging while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition of the continued use or possession, for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he had no equity. Expense incurred in connection with earning and distributing nontaxable income is not an allowable deduction. Limitations on entertainment expenses shall conform to the provisions of the Internal Revenue Code of 1986.

(b) **Interest.** All interest paid or accrued during the taxable year on business indebtedness, except interest upon the indebtedness for the purchase of tax-free bonds, or any stocks,

the dividends from which are nontaxable under the provisions of this article; provided, however, in the case of securities dealers, interest payments or accruals on loans, the proceeds of which are used to purchase tax-exempt securities, shall be deductible if income from otherwise tax-free securities is reported as income. Investment interest expense shall be limited to investment income. Interest expense incurred for the purchase of treasury stock, to pay dividends, or incurred as a result of an undercapitalized affiliated corporation may not be deducted unless an ordinary and necessary business purpose can be established to the satisfaction of the commissioner. For the purposes of this paragraph, the phrase "interest upon the indebtedness for the purchase of tax-free bonds" applies only to the indebtedness incurred for the purpose of directly purchasing tax-free bonds and does not apply to any other indebtedness incurred in the regular course of the taxpayer's business. Any corporation, association, organization or other entity taxable under Section 27-7-23(c) shall allocate interest expense as provided in Section 27-7-23(c)(3)(I).

(c) **Taxes.** Taxes paid or accrued within the taxable year, except state and federal income taxes, excise taxes based on or measured by net income, estate and inheritance taxes, gift taxes, cigar and cigarette taxes, gasoline taxes, and sales and use taxes unless incurred as an item of expense in a trade or business or in the production of taxable income. In the case of

an individual, taxes permitted as an itemized deduction under the provisions of subsection (3)(a) of this section are to be claimed thereunder.

(d) **Business losses.**

(i) Losses sustained during the taxable year not compensated for by insurance or otherwise, if incurred in trade or business, or nonbusiness transactions entered into for profit.

(ii) Limitations on losses from passive activities and rental real estate shall conform to the provisions of the Internal Revenue Code of 1986.

(e) **Bad debts.** Losses from debts ascertained to be worthless and charged off during the taxable year, if sustained in the conduct of the regular trade or business of the taxpayer; provided, that such losses shall be allowed only when the taxpayer has reported as income, on the accrual basis, the amount of such debt or account.

(f) **Depreciation.** A reasonable allowance for exhaustion, wear and tear of property used in the trade or business, or rental property, and depreciation upon buildings based upon their reasonable value as of March 16, 1912, if acquired prior thereto, and upon cost if acquired subsequent to that date. In the case of new or used aircraft, equipment, engines, or other parts and tools used for aviation, allowance for bonus depreciation conforms with the federal bonus depreciation

rates and reasonable allowance for depreciation under this section is no less than one hundred percent (100%).

(g) **Depletion.** In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, based upon cost, including cost of development, not otherwise deducted, or fair market value as of March 16, 1912, if acquired prior to that date, such allowance to be made upon regulations prescribed by the commissioner, with the approval of the Governor.

(h) **Contributions or gifts.** Except as otherwise provided in paragraph (p) of this subsection or subsection (3)(a) of this section for individuals, contributions or gifts made by corporations within the taxable year to corporations, organizations, associations or institutions, including Community Chest funds, foundations and trusts created solely and exclusively for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inure to the benefit of any private stockholder or individual. This deduction shall be allowed in an amount not to exceed twenty percent (20%) of the net income. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner, with the approval of the Governor. Contributions made in any form other than cash shall be allowed as a deduction, subject to the limitations herein provided, in an amount equal to

the actual market value of the contributions at the time the contribution is actually made and consummated.

(i) **Reserve funds - insurance companies.** In the case of insurance companies the net additions required by law to be made within the taxable year to reserve funds when such reserve funds are maintained for the purpose of liquidating policies at maturity.

(j) **Annuity income.** The sums, other than dividends, paid within the taxpayer year on policy or annuity contracts when such income has been included in gross income.

(k) **Contributions to employee pension plans.** Contributions made by an employer to a plan or a trust forming part of a pension plan, stock bonus plan, disability or death-benefit plan, or profit-sharing plan of such employer for the exclusive benefit of some or all of his, their, or its employees, or their beneficiaries, shall be deductible from his, their, or its income only to the extent that, and for the taxable year in which, the contribution is deductible for federal income tax purposes under the Internal Revenue Code of 1986 and any other provisions of similar purport in the Internal Revenue Laws of the United States, and the rules, regulations, rulings and determinations promulgated thereunder, provided that:

(i) The plan or trust be irrevocable.

(ii) The plan or trust constitute a part of a pension plan, stock bonus plan, disability or death-benefit plan,

or profit-sharing plan for the exclusive benefit of some or all of the employer's employees and/or officers, or their beneficiaries, for the purpose of distributing the corpus and income of the plan or trust to such employees and/or officers, or their beneficiaries.

(iii) No part of the corpus or income of the plan or trust can be used for purposes other than for the exclusive benefit of employees and/or officers, or their beneficiaries.

Contributions to all plans or to all trusts of real or personal property (or real and personal property combined) or to insured plans created under a retirement plan for which provision has been made under the laws of the United States of America, making such contributions deductible from income for federal income tax purposes, shall be deductible only to the same extent under the Income Tax Laws of the State of Mississippi.

(l) **Net operating loss carrybacks and carryovers.** A net operating loss for any taxable year ending after December 31, 1993, and taxable years thereafter, shall be a net operating loss carryback to each of the three (3) taxable years preceding the taxable year of the loss. If the net operating loss for any taxable year is not exhausted by carrybacks to the three (3) taxable years preceding the taxable year of the loss, then there shall be a net operating loss carryover to each of the fifteen (15) taxable years following the taxable year of the loss beginning with any taxable year after December 31, 1991.

For any taxable year ending after December 31, 1997, the period for net operating loss carrybacks and net operating loss carryovers shall be the same as those established by the Internal Revenue Code and the rules, regulations, rulings and determinations promulgated thereunder as in effect at the taxable year end or on December 31, 2000, whichever is earlier.

A net operating loss for any taxable year ending after December 31, 2001, and taxable years thereafter, shall be a net operating loss carryback to each of the two (2) taxable years preceding the taxable year of the loss. If the net operating loss for any taxable year is not exhausted by carrybacks to the two (2) taxable years preceding the taxable year of the loss, then there shall be a net operating loss carryover to each of the twenty (20) taxable years following the taxable year of the loss beginning with any taxable year after the taxable year of the loss.

The term "net operating loss," for the purposes of this paragraph, shall be the excess of the deductions allowed over the gross income; provided, however, the following deductions shall not be allowed in computing same:

(i) No net operating loss deduction shall be allowed.

(ii) No personal exemption deduction shall be allowed.

(iii) Allowable deductions which are not attributable to taxpayer's trade or business shall be allowed only

to the extent of the amount of gross income not derived from such trade or business.

Any taxpayer entitled to a carryback period as provided by this paragraph may elect to relinquish the entire carryback period with respect to a net operating loss for any taxable year ending after December 31, 1991. The election shall be made in the manner prescribed by the Department of Revenue and shall be made by the due date, including extensions of time, for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. The election, once made for any taxable year, shall be irrevocable for that taxable year.

(m) **Amortization of pollution or environmental control facilities.** Allowance of deduction. Every taxpayer, at his election, shall be entitled to a deduction for pollution or environmental control facilities to the same extent as that allowed under the Internal Revenue Code and the rules, regulations, rulings and determinations promulgated thereunder.

(n) **Dividend distributions - real estate investment trusts.** "Real estate investment trust" (hereinafter referred to as REIT) shall have the meaning ascribed to such term in Section 856 of the federal Internal Revenue Code of 1986, as amended. A REIT is allowed a dividend distributed deduction if the dividend distributions meet the requirements of Section 857 or are otherwise deductible under Section 858 or 860, federal Internal Revenue Code of 1986, as amended. In addition:

(i) A dividend distributed deduction shall only be allowed for dividends paid by a publicly traded REIT. A qualified REIT subsidiary shall be allowed a dividend distributed deduction if its owner is a publicly traded REIT.

(ii) Income generated from real estate contributed or sold to a REIT by a shareholder or related party shall not give rise to a dividend distributed deduction, unless the shareholder or related party would have received the dividend distributed deduction under this chapter.

(iii) A holding corporation receiving a dividend from a REIT shall not be allowed the deduction in Section 27-7-15(4)(t).

(iv) Any REIT not allowed the dividend distributed deduction in the federal Internal Revenue Code of 1986, as amended, shall not be allowed a dividend distributed deduction under this chapter.

The commissioner is authorized to promulgate rules and regulations consistent with the provisions in Section 269 of the federal Internal Revenue Code of 1986, as amended, so as to prevent the evasion or avoidance of state income tax.

(o) **Contributions to college savings trust fund accounts.** Contributions or payments to a Mississippi Affordable College Savings Program account are deductible as provided under Section 37-155-113. Payments made under a prepaid tuition contract entered into under the Mississippi Prepaid Affordable

College Tuition Program are deductible as provided under Section 37-155-17.

(p) **Contributions of human pharmaceutical products.** To the extent that a "major supplier" as defined in Section 27-13-13(2)(d) contributes human pharmaceutical products in excess of Two Hundred Fifty Million Dollars ($250,000,000.00) as determined under Section 170 of the Internal Revenue Code, the charitable contribution limitation associated with those donations shall follow the federal limitation but cannot result in the Mississippi net income being reduced below zero.

(q) **Contributions to ABLE trust fund accounts.** Contributions or payments to a Mississippi Achieving a Better Life Experience (ABLE) Program account are deductible as provided under Section 43-28-13.

(2) **Restrictions on the deductibility of certain intangible expenses and interest expenses with a related member.**

(a) As used in this subsection (2):

(i) "Intangible expenses and costs" include:

1. Expenses, losses and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange or any other disposition of intangible property to the extent such amounts are allowed as deductions or costs in determining taxable income under this chapter;

2. Expenses or losses related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

3. Royalty, patent, technical and copyright fees;

4. Licensing fees; and

5. Other similar expenses and costs.

(ii) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights and similar types of intangible assets.

(iii) "Interest expenses and cost" means amounts directly or indirectly allowed as deductions for purposes of determining taxable income under this chapter to the extent such interest expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange or disposition of intangible property.

(iv) "Related member" means an entity or person that, with respect to the taxpayer during all or any portion of the taxable year, is a related entity, a component member as defined in the Internal Revenue Code, or is an entity or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code.

(v) "Related entity" means:

1. A stockholder who is an individual or a member of the stockholder's family, as defined in regulations prescribed by the commissioner, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

2. A stockholder, or a stockholder's partnership, limited liability company, estate, trust or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts and corporations own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

3. A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock under regulation prescribed by the commissioner;

4. Any entity or person which would be a related member under this section if the taxpayer were considered a corporation for purposes of this section.

(b) In computing net income, a taxpayer shall add back otherwise deductible interest expenses and costs and intangible

expenses and costs directly or indirectly paid, accrued to or incurred, in connection directly or indirectly with one or more direct or indirect transactions with one or more related members.

(c) The adjustments required by this subsection shall not apply to such portion of interest expenses and costs and intangible expenses and costs that the taxpayer can establish meets one (1) of the following:

(i) The related member directly or indirectly paid, accrued or incurred such portion to a person during the same income year who is not a related member; or

(ii) The transaction giving rise to the interest expenses and costs or intangible expenses and costs between the taxpayer and related member was done primarily for a valid business purpose other than the avoidance of taxes, and the related member is not primarily engaged in the acquisition, use, maintenance or management, ownership, sale, exchange or any other disposition of intangible property.

(d) Nothing in this subsection shall require a taxpayer to add to its net income more than once any amount of interest expenses and costs or intangible expenses and costs that the taxpayer pays, accrues or incurs to a related member.

(e) The commissioner may prescribe such regulations as necessary or appropriate to carry out the purposes of this subsection, including, but not limited to, clarifying definitions

of terms, rules of stock attribution, factoring and discount transactions.

(3) **Individual nonbusiness deductions.**

(a) The amount allowable for individual nonbusiness itemized deductions for federal income tax purposes where the individual is eligible to elect, for the taxable year, to itemize deductions on his federal return except the following:

(i) The deduction for state income taxes paid or other taxes allowed for federal purposes in lieu of state income taxes paid;

(ii) The deduction for gaming losses from gaming establishments;

(iii) The deduction for taxes collected by licensed gaming establishments pursuant to Section 27-7-901;

(iv) The deduction for taxes collected by gaming establishments pursuant to Section 27-7-903.

(b) In lieu of the individual nonbusiness itemized deductions authorized in paragraph (a), for all purposes other than ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, an optional standard deduction of:

(i) Three Thousand Four Hundred Dollars ($3,400.00) through calendar year 1997, Four Thousand Two Hundred Dollars ($4,200.00) for the calendar year 1998 and Four Thousand Six Hundred Dollars ($4,600.00) for each calendar year thereafter

in the case of married individuals filing a joint or combined return;

(ii) One Thousand Seven Hundred Dollars ($1,700.00) through calendar year 1997, Two Thousand One Hundred Dollars ($2,100.00) for the calendar year 1998 and Two Thousand Three Hundred Dollars ($2,300.00) for each calendar year thereafter in the case of married individuals filing separate returns;

(iii) Three Thousand Four Hundred Dollars ($3,400.00) in the case of a head of family; or

(iv) Two Thousand Three Hundred Dollars ($2,300.00) in the case of an individual who is not married.

In the case of a husband and wife living together, having separate incomes, and filing combined returns, the standard deduction authorized may be divided in any manner they choose. In the case of separate returns by a husband and wife, the standard deduction shall not be allowed to either if the taxable income of one of the spouses is determined without regard to the standard deduction.

(c) A nonresident individual shall be allowed the same individual nonbusiness deductions as are authorized for resident individuals in paragraph (a) or (b) of this subsection; however, the nonresident individual is entitled only to that proportion of the individual nonbusiness deductions as his net income from

sources within the State of Mississippi bears to his total or entire net income from all sources.

(4) Nothing in this section shall permit the same item to be deducted more than once, either in fact or in effect.

(5) Notwithstanding any other provision in Title 27, Mississippi Code of 1972, there shall be allowed an income tax deduction for otherwise deductible expenses if:

(a) The payment(s) for such deductible expenses are made with the grant or loan program of the Paycheck Protection Program as authorized under the (i) Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Consolidated Appropriations Act of 2021, (ii) the COVID-19 Economic Injury Disaster Loan Program, (iii) the 2020 COVID-19 Mississippi Business Assistance Act, (iv) the Rental Assistance Grant Program, (v) the Shuttered Venue Operators Grant Program and Restaurant Revitalization Fund authorized by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the federal American Rescue Plan Act, and/or the (vi) the Mississippi Agriculture Stabilization Act; and

(b) Such deductible expenses shall be allowed as deductions for federal income tax purposes.

SECTION 3. Section 57-121-7, Mississippi Code of 1972, is amended as follows:

57-121-7. (1) Any eligible business desiring to participate in the program shall make application for a grant to the MDA in a

form satisfactory to the MDA. The application shall include verified documentation, signed under penalty of perjury.

(2) The MDA shall use the funds provided by this chapter to make grants to eligible businesses pursuant to applications submitted under subsection (1) of this section, to cover their eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. A business found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The base payment to an eligible business shall be One Thousand Five Hundred Dollars ($1,500.00). An eligible business may choose to receive additional compensation by either claiming Five Hundred Dollars ($500.00) per full-time equivalent employee employed by the eligible business as of March 1, 2020, or itemizing eligible expenses on the application form. The total payment shall be reduced by the amount of any Paycheck Protection Program (PPP) funds, Economic Injury Disaster Loan (EIDL) Emergency Advance funds up to a maximum of Ten Thousand Dollars ($10,000.00), and business interruption insurance proceeds

received by the eligible taxpayer; provided, however, that the total payment shall not be reduced by more than half. In no event shall the total payment to an eligible business under this section exceed Twenty-five Thousand Dollars ($25,000.00).

(b) At least Forty Million Dollars ($40,000,000.00) in grants, exclusive of administrative expenses retained by the MDA, shall be awarded to minority business enterprises for the first sixty (60) days of the application period.

(c) Grants awarded shall be protected from creditors and shall not be subject to tax.

* * *

SECTION 4. This act shall take effect and be in force from and after January 1, 2020.

Mississippi Legislature
2022 Regular Session

Senate Bill 2004

Description: Public lands; extend repealer on section prescribing who may purchase.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S) Referred To Public Property
2	02/01	(S) Title Suff Do Pass
3	02/08	(S) Passed {Vote}
4	02/09	(S) Transmitted To House
5	02/10	(H) Referred To Public Property
6	02/22	(H) Title Suff Do Pass
7	03/08	(H) Passed {Vote}
8	03/09	(H) Returned For Enrolling
9	03/10	(S) Enrolled Bill Signed
10	03/10	(H) Enrolled Bill Signed
11	03/11	Approved by Governor

Code Section: A 029-0001-0075

----- Additional Information -----

Senate Committee: Public Property
House Committee: Public Property

Principal Author: Turner-Ford
Additional Authors: Jackson (11th)

Title: AN ACT TO AMEND SECTION 29-1-75, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE SECTION PRESCRIBING WHO MAY PURCHASE PUBLIC LAND IN MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Turner-Ford, Jackson (11th) To: Public Property

SENATE BILL NO. 2004

AN ACT TO AMEND SECTION 29-1-75, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE SECTION PRESCRIBING WHO MAY PURCHASE PUBLIC LAND IN MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 29-1-75, Mississippi Code of 1972, is amended as follows:

29-1-75. (1) Except as otherwise provided in this section, neither a corporation nor a nonresident alien, nor any association of persons composed in whole or in part of nonresident aliens, shall directly or indirectly purchase or become the owner of any of the public lands; and every patent issued in contravention hereof shall be void.

(2) (a) A banking corporation owning such tax-forfeited lands or holding a mortgage or deed of trust thereon at the time of the sale to the state, and whose mortgage or deed of trust is still in force and effect, may purchase such lands, regardless of acreage, owned by it as aforesaid or on which it held a mortgage or deed of trust. In event of a purchase by such corporation as a

mortgagee, such lands shall be held for the benefit of the mortgagor subject to all the terms and conditions of the mortgage or deed of trust held by the purchasing banking corporation and, upon payment of the debt secured by such mortgage or deed of trust, together with interest and incidents, such banking corporation shall in that event reconvey such lands to the original mortgagor, his heirs or assigns.

(b) Any other nonbanking corporation may purchase lands sold or forfeited to the state for delinquent taxes under any section of Chapter 1, Title 29, specifically relating to the sale of such tax-forfeited lands by the Secretary of State. A nonbanking corporation purchasing land sold or forfeited to the state shall be subject to the acreage limitations of Section 29-1-73.

(c) Nonresident aliens may acquire and hold not to exceed three hundred twenty (320) acres of public lands in this state for the purpose of industrial development thereon. In addition, any nonresident alien may acquire and hold not to exceed five (5) acres of public lands for residential purposes. If any land acquired by a nonresident alien for the purpose of industrial development ceases to be used for industrial development, it shall escheat to the public body that sold such land to the nonresident alien.

(3) This section shall stand repealed on July 1, * * * 2026.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2018

Description: MS Department of Banking and Consumer Finance conduct periodic joint-bank examinations; extend repealer.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S)	Referred To Business and Financial Institutions
2	01/24	(S)	Title Suff Do Pass Comm Sub
3	02/02	(S)	Committee Substitute Adopted
4	02/02	(S)	Passed {Vote}
5	02/03	(S)	Transmitted To House
6	02/03	(H)	Referred To Banking and Financial Services
7	02/22	(H)	Title Suff Do Pass
8	03/08	(H)	Passed {Vote}
9	03/09	(H)	Returned For Enrolling
10	03/10	(S)	Enrolled Bill Signed
11	03/10	(H)	Enrolled Bill Signed
12	03/11		Approved by Governor

Code Section: A 081-0001-0081

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Caughman

Title: AN ACT TO AMEND SECTION 81-1-81, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF BANKING AND CONSUMER FINANCE TO CONDUCT PERIODIC JOINT-BANK EXAMINATIONS WITH THE FEDERAL RESERVE; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2018

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Caughman

To: Business and Financial Institutions

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2018

AN ACT TO AMEND SECTION 81-1-81, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF BANKING AND CONSUMER FINANCE TO CONDUCT PERIODIC JOINT-BANK EXAMINATIONS WITH THE FEDERAL RESERVE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-1-81, Mississippi Code of 1972, is amended as follows:

81-1-81. (1) It shall be the duty of the commissioner to apportion the work of examining banks among the examiners in such a way that each bank, under the provisions of law, shall be examined at least once during an eighteen-month period and more often, if necessary, in the discretion of the commissioner, at irregular intervals and without prior notice. However, neither the commissioner nor any examiner shall examine one (1) bank twice in succession unless the commissioner, for cause, so determines. In the event the commissioner's office, because of workload or other good sufficient cause, is unable to conduct an examination of a bank as provided for in this section, the commissioner is

hereby authorized to accept the examination of any state bank performed by the Federal Deposit Insurance Corporation or the Federal Reserve Bank in lieu of the examination provided for in this section. However, in no case shall the commissioner be authorized to accept any such examination of any state bank performed by either the Federal Deposit Insurance Corporation or the Federal Reserve Bank for any two (2) consecutive eighteen-month periods.

(2) The commissioner may join an examination and/or issue a joint report of examination with the Federal Reserve Bank of any bank holding company, including any foreign-owned bank holding company, with more than One Billion Dollars ($1,000,000,000.00) in assets that owns a Mississippi state-chartered bank. The commissioner shall not perform an examination independent of the Federal Reserve Bank. The commissioner may accept any examination report of a bank holding company performed solely by the Federal Reserve Bank in lieu of conducting a joint examination. Further, the commissioner may join in related supervisory orders issued by the Federal Reserve Bank. There shall be no cost to a bank or a bank holding company as a result of the commissioner's participation in a joint examination of a bank holding company as authorized by this subsection. The provisions of this subsection (2) shall stand repealed on July 1, * * * 2026.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2039

Description: Real estate appraisal management companies; extend repealer on registration provisions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S)	Referred To Business and Financial Institutions
2	01/24	(S)	Title Suff Do Pass
3	02/07	(S)	Passed {Vote}
4	02/08	(S)	Transmitted To House
5	02/09	(H)	Referred To Banking and Financial Services
6	02/22	(H)	Title Suff Do Pass
7	03/08	(H)	Passed {Vote}
8	03/09	(H)	Returned For Enrolling
9	03/10	(S)	Enrolled Bill Signed
10	03/10	(H)	Enrolled Bill Signed
11	03/11		Approved by Governor

Code Section: A 073-0034-0103

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Caughman

Title: AN ACT TO AMEND SECTION 73-34-103, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE PROVISIONS RELATING TO THE REGISTRATION OF REAL ESTATE APPRAISAL MANAGEMENT COMPANIES BY THE MISSISSIPPI REAL ESTATE COMMISSION; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2039

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Senator(s) Caughman — To: Business and Financial Institutions

SENATE BILL NO. 2039

AN ACT TO AMEND SECTION 73-34-103, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE PROVISIONS RELATING TO THE REGISTRATION OF REAL ESTATE APPRAISAL MANAGEMENT COMPANIES BY THE MISSISSIPPI REAL ESTATE COMMISSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-34-103, Mississippi Code of 1972, is amended as follows:

73-34-103. (1) It is unlawful for a person to directly or indirectly engage or attempt to engage in business as an appraisal management company in this state or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the Mississippi Real Estate Appraiser Licensing and Certification Board under the provisions of this chapter.

(a) An applicant for registration as an appraisal management company in this state shall submit to the Mississippi Real Estate Commission an application on a form or forms prescribed by the board accompanied by an original or certified

copy of a surety bond payable to the State of Mississippi in the amount of Twenty Thousand Dollars ($20,000.00) for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the appraisal management company's breach of contract or of any obligation arising therefrom or any violation of law.

(b) In the event a registration process is unavailable on December 1, 2013, an appraisal management company already conducting business in this state may continue to conduct business in accordance with Sections 73-34-101 through 73-34-131 until one hundred twenty (120) days after a registration process becomes available.

(2) An application for the registration required by subsection (1) of this section shall, at a minimum, include:

(a) The name of the person seeking registration and the fictitious name or names under which he does business in any state;

(b) The business address of the entity seeking registration;

(c) The phone contact information of the entity seeking registration;

(d) If the person is not a corporation that is domiciled in this state, the name and contact information for the person's agent for service of process in this state;

(e) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent (10%) or more of the appraisal management company;

(f) The name, address, and contact information for one (1) controlling person designated as the main contact for all communication between the appraisal management company and the commission;

(g) A certification that the person has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under the Real Estate Appraiser Licensing and Certification Act if a license or certification is required to perform appraisals;

(h) A certification that the person requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP), including the requirements for geographic and product competence;

(i) A certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(j) A certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under Section 129E of

the Truth in Lending Act, including the requirements for payment of a reasonable and customary fee to appraisers when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(k) A certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company;

(l) An irrevocable Consent to Service of Process required under Section 73-34-107;

(m) Any other information required by the board which is reasonably necessary to implement Sections 73-34-101 through 73-34-131.

(3) An application for the renewal of a registration shall include substantially similar information required for the initial registration as noted in subsection (2), as determined by the board.

(4) A registration granted by the commission under the provisions of Sections 73-34-101 through 73-34-131 shall be valid for one (1) year from the date on which it is issued.

(5) This section shall stand repealed on July 1, * * * 2026.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2095

Description: Mississippi Medical Cannabis Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/11	(S) Referred To Public Health and Welfare
2	01/12	(S) Title Suff Do Pass
3	01/13	(S) Amended
4	01/13	(S) Passed As Amended {Vote}
5	01/13	(S) Immediate Release
6	01/13	(S) Motion to Reconsider Entered
7	01/17	(S) Motion to Reconsider Tabled
8	01/18	(S) Transmitted To House
9	01/19	(H) Referred To Drug Policy
10	01/19	(H) Title Suff Do Pass As Amended
11	01/19	(H) Amended
12	01/19	(H) Passed As Amended {Vote}
13	01/20	(H) Returned For Concurrence
14	01/25	(S) Decline to Concur/Invite Conf
15	01/25	(S) Immediate Release
16	01/25	(S) Conferees Named Bryan,Blackwell,Wiggins
17	01/25	(H) Conferees Named White,Mims,Yancey
18	01/25	(S) Conference Report Filed
19	01/25	(H) Conference Report Filed
20	01/26	(S) Conference Report Adopted {Vote}
21	01/26	(S) Immediate Release
22	01/26	(H) Conference Report Adopted {Vote}
23	01/27	(S) Enrolled Bill Signed
24	01/27	(H) Enrolled Bill Signed
25	02/02	Approved by Governor

Amendments:

[S] Amendment No 1Lost{Vote}
[S] Amendment No 2Not Germane

[S] Amendment No 3Lost{Vote}
[S] Amendment No 4Lost{Vote}
[S] Amendment No 5Lost{Vote}
[S] Amendment No 6 ***Adopted*** Voice Vote
[S] Amendment No 7Lost{Vote}
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2Lost Voice Vote
[H] Amendment No 3Lost Voice Vote
[H] Amendment No 4Lost{Vote}
[H] Amendment No 5Lost Voice Vote
[H] Amendment No 6Lost Voice Vote
[H] Amendment No 7Lost Voice Vote
[H] Amendment No 8Lost Voice Vote
[H] Amendment No 9Lost Voice Vote
Amendment Report for Senate Bill No. 2095
Conference Reports:
| Conference Report

Code Section: A 025-0053-0005, A 027-0104-0203, BF 017-0001-0003, BF 019-0005-0009, BF 025-0043-0001.103, BF 025-0043-0002.101, BF 025-0043-0003.102, BF 025-0043-0003.103, BF 025-0043-0003.104, BF 025-0043-0003.105, BF 025-0043-0003.106, BF 025-0043-0003.107, A 025-0043-0003.108, BF 025-0043-0003.109, BF 025-0043-0003.110, BF 025-0043-0003.113, A 027-0007-0017, A 027-0065-0111, A 033-0013-0520, A 037-0011-0029, BF 041-0003-0015, A 041-0029-0125, A 041-0029-0127, A 041-0029-0136, A 041-0029-0137, A 041-0029-0139, A 041-0029-0141, A 041-0029-0143, A 043-0021-0301, A 043-0021-0303, A 045-0009-0101, A 059-0023-0007, A 063-0011-0030, A 071-0003-0007, A 071-0003-0121, A 073-0015-0029, A 073-0019-0023, A 073-0021-0127, A 073-0025-0029, A 083-0009-0022, A 027-0007-0022.5, A 027-0007-0022.30, A 027-0031-0051, A 027-0031-0053, A 027-0031-0104, A 027-0065-0017, A 027-0065-0101, A 037-0148-0003, A 057-0001-0016, A 057-0001-0221, A 057-0010-0401, A 057-0061-0005, A 057-0062-0005, A 057-0069-0003, A 057-0071-0005, A 057-0073-0021, A 057-0080-0005, A 057-0085-0005, A 057-0091-0005, A 057-0117-0003, A 057-0119-0011, A 065-0004-0005, A 069-0002-0011, A 069-0002-0013

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Drug Policy

Principal Author: Blackwell
Additional Authors: Barnett, Butler (36th), Butler (38th), DeLano, Hickman, Horhn, Jackson (11th), Simmons (12th), Simmons (13th)

Title: AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE DEBILITATING MEDICAL CONDITIONS; TO REQUIRE A PATIENT TO RECEIVE A WRITTEN CERTIFICATION FROM A QUALIFIED PRACTITIONER TO QUALIFY FOR A REGISTRY IDENTIFICATION CARD FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE PROCESS BY WHICH A PATIENT

MAY REGISTER AS A CARDHOLDER FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE CERTAIN PROTECTIONS TO PATIENTS, CAREGIVERS, MEDICAL PROVIDERS AND MEDICAL CANNABIS ESTABLISHMENTS FOR THE MEDICAL USE OF CANNABIS; TO PROVIDE FOR THE ALLOWABLE AMOUNT OF MEDICAL CANNABIS BY A QUALIFIED PATIENT; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH WILL ISSUE REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO QUALIFYING FACILITIES; TO ALLOW FOR A DEDUCTION FROM INCOME TAXES FOR ALL OF THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A BUSINESS AS A MEDICAL CANNABIS ESTABLISHMENT; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF HEALTH SHALL HAVE THE ULTIMATE AUTHORITY FOR OVERSIGHT OF THE ADMINISTRATION OF THE MEDICAL CANNABIS PROGRAM; TO REQUIRE THE DEPARTMENT OF HEALTH TO LICENSE CANNABIS CULTIVATION FACILITIES, CANNABIS PROCESSING FACILITIES, CANNABIS TRANSPORTATION ENTITIES, CANNABIS DISPOSAL ENTITIES, CANNABIS TESTING FACILITIES AND CANNABIS RESEARCH FACILITIES; TO REQUIRE THE DEPARTMENT OF REVENUE TO LICENSE MEDICAL CANNABIS DISPENSARIES; TO REQUIRE THE DEPARTMENT OF HEALTH TO REGISTER QUALIFIED PRACTITIONERS AND GRANT REGISTRY IDENTIFICATION CARDS TO QUALIFIED PATIENTS AND DESIGNATED CAREGIVERS; TO PROVIDE FOR A STATEWIDE SEED-TO-SALE TRACKING SYSTEM; TO PROVIDE FOR DEADLINES FOR THE IMPLEMENTATION OF THE PROGRAM; TO PROVIDE FOR CERTAIN LIMITATIONS OF THE APPLICATION OF THE ACT; TO PROVIDE THAT THE ACT DOES NOT AUTHORIZE ANY INDIVIDUAL TO ENGAGE IN NOR PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR CERTAIN ACTS RELATED TO THE USE OF MEDICAL CANNABIS; TO PROVIDE THAT CERTAIN DISCRIMINATORY ACTS AGAINST MEDICAL CANNABIS CARDHOLDERS ARE PROHIBITED; TO PROVIDE FOR PROCESS OF THE ADDITION OF DEBILITATING MEDICAL CONDITIONS BY THE DEPARTMENT OF HEALTH; TO PROVIDE THAT NOTHING IN THE ACT PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MEDICAL CANNABIS IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF MEDICAL CANNABIS; TO PROVIDE THAT NOTHING IN THE ACT REQUIRES A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MEDICAL CANNABIS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO PROVIDE ANNUAL REPORTS TO THE GOVERNOR AND CERTAIN MEMBERS OF THE LEGISLATURE; TO REQUIRE THE DEPARTMENT OF HEALTH TO MAINTAIN A CONFIDENTIAL LIST OF REGISTRY IDENTIFICATION CARDS; TO REQUIRE CERTAIN NOTIFICATIONS FROM QUALIFYING PATIENTS; TO PROVIDE FOR THE FEES FOR LICENSES OF MEDICAL CANNABIS ESTABLISHMENTS; TO ALLOW MUNICIPALITIES AND COUNTIES TO ENACT ORDINANCES OR REGULATIONS NOT IN CONFLICT WITH THE ACT; TO PROHIBIT MEDICAL CANNABIS

ESTABLISHMENTS FROM BEING LOCATED WITHIN 1,000 FEET OF THE NEAREST BOUNDARY LINE OF ANY SCHOOL, CHURCH OR CHILD CARE FACILITY UNLESS IT HAS RECEIVED A WAIVER; TO PROVIDE CERTAIN REQUIREMENTS, PROHIBITIONS AND PENALTIES FOR MEDICAL CANNABIS ESTABLISHMENTS; TO PROVIDE THAT NO MEDICAL CANNABIS ESTABLISHMENT SHALL SELL CANNABIS FLOWER OR TRIM THAT HAS A POTENCY OF GREATER THAN 30% TOTAL THC; TO REQUIRE ALL MEDICAL CANNABIS PRODUCTS TO CONTAIN A NOTICE OF HARM REGARDING THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE WEEKLY AND MONTHLY ALLOWABLE AMOUNT OF MEDICAL CANNABIS; TO PROVIDE THE POSSESSION LIMIT OF MEDICAL CANNABIS FOR RESIDENT AND NONRESIDENT CARDHOLDERS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO ESTABLISH AND PROMULGATE RULES AND REGULATIONS RELATING TO THE PROGRAM; TO ESTABLISH VIOLATIONS RELATED TO THE USE OF MEDICAL CANNABIS AND THE PROGRAM; TO PROVIDE FOR FINES, SUSPENSIONS AND REVOCATIONS FOR VIOLATIONS OF THE ACT; TO PROVIDE THAT BANKS SHALL NOT BE HELD LIABLE FOR PROVIDING FINANCIAL SERVICES TO A MEDICAL CANNABIS ESTABLISHMENT; TO IMPOSE AN EXCISE TAX ON MEDICAL CANNABIS CULTIVATION FACILITIES AT A RATE OF 5% OF THE SALE PRICE OF CANNABIS TRIM OR CANNABIS FLOWER; TO REQUIRE DISPENSARIES TO COLLECT AND REMIT THE SALES TAX LEVIED IN SECTION 27-65-17(1)(a) FROM THE GROSS PROCEEDS OF EACH SALE OF MEDICAL CANNABIS; TO ALLOW THE GOVERNING AUTHORITIES OF MUNICIPALITIES AND BOARD OF SUPERVISORS OF COUNTIES TO OPT OUT OF ALLOWING THE PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE ACT; TO PROVIDE FOR THE REFERENDUM PROCESS FOR A MUNICIPALITY OR COUNTY TO OPT INTO ALLOWING THE CULTIVATION, PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS IN A MUNICIPALITY OR COUNTY THAT HAS OPTED OUT; TO PROVIDE FOR THE JUDICIAL REVIEW FOR THOSE AGGRIEVED BY A FINAL DECISION OR ORDER RELATED TO THE MEDICAL CANNABIS PROGRAM; TO REQUIRE ALL FINES AND FEES COLLECTED BY THE DEPARTMENT OF HEALTH AND DEPARTMENT OF REVENUE TO BE DEPOSITED INTO THE STATE GENERAL FUND; TO ESTABLISH A MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO TEMPORARILY EXEMPT ACQUISITIONS OF INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES MADE BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT, FROM MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES PROCUREMENT LAWS, RULES, AND REGULATIONS; TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH, STATE

DEPARTMENT OF REVENUE, AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE MEDICAL MARIJUANA PROGRAM ESTABLISHED UNDER THIS ACT; TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERM CONTROLLED SUBSTANCE SHALL NOT INCLUDE THE POSSESSION OR USE OF MEDICAL CANNABIS THAT IS LAWFUL UNDER THIS ACT; TO AMEND SECTIONS 27-7-17, 27-65-111, 33-13-520, 41-29-125, 41-29-127, 41-29-136, 41-29-137, 41-29-139; 41-29-141, 41-29-143, 43-21-301, 43-21-303, 45-9-101, 59-23-7, 63-11-30, 71-3-7, 71-3-121, 73-15-29, 73-19-23, 73-21-127, 73-25-29 AND 83-9-22, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 17-1-3, 19-5-9, 25-43-1.103, 25-43-2.101, 25-43-3.102, 25-43-3.103, 25-43-3.104, 25-43-3.105, 25-43-3.106, 25-43-3.107, 25-43-3.109, 25-43-3.110 AND 25-43-3.113, MISSISSIPPI CODE OF 1972, WHICH ARE SECTIONS OF THE MISSISSIPPI ADMINISTRATIVE PROCEDURES LAW AND THE PROVISIONS RELATING TO THE ADOPTION OF BUILDING CODES IN COUNTIES, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 25-43-3.108, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR NONSUBSTANTIVE CHANGES; TO BRING FORWARD SECTION 41-3-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR POWERS AND DUTIES OF THE STATE BOARD OF HEALTH, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 27-7-22.5 AND 27-7-22.30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS AUTHORIZED BY SUCH SECTIONS; TO AMEND SECTIONS 27-31-51 AND 27-31-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONAL PROPERTY OF MEDICAL CANNABIS ESTABLISHMENTS IS NOT ELIGIBLE FOR FREEPORT WAREHOUSE AD VALOREM TAX EXEMPTIONS; TO AMEND SECTIONS 27-31-101 AND 27-31-104, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNTY BOARDS OF SUPERVISORS AND MUNICIPAL AUTHORITIES CANNOT GRANT CERTAIN AD VALOREM TAX EXEMPTIONS FOR MEDICAL CANNABIS ESTABLISHMENTS OR ENTER INTO FEE-IN-LIEU OF AD VALOREM TAX AGREEMENTS WITH MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 27-65-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT CONSIDERED TO BE TECHNOLOGY INTENSIVE ENTERPRISES FOR PURPOSES OF THE REDUCED SALES TAX RATE AUTHORIZED FOR SALES OF MACHINERY AND MACHINE PARTS TO TECHNOLOGY INTENSIVE ENTERPRISES; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN INDUSTRIAL SALES TAX EXEMPTIONS DO NOT APPLY TO SALES TO MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 37-148-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "INVESTOR" UNDER THE STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT; TO AMEND SECTION 57-1-16, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "EXTRAORDINARY ECONOMIC DEVELOPMENT OPPORTUNITY" FOR

PURPOSES OF THE ACE FUND; TO AMEND SECTION 57-1-221, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "PROJECT" FOR PURPOSES OF THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND; TO AMEND SECTION 57-10-401, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "ELIGIBLE COMPANY" FOR PURPOSES OF THE SECTIONS OF LAW THAT PROVIDE FOR THE ISSUANCE OF BONDS BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE LOCATION OR EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO AMEND SECTION 57-61-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "PRIVATE COMPANY" UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT; TO AMEND SECTION 57-69-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "MINORITY BUSINESS ENTERPRISE" AND "MINORITY BUSINESS ENTERPRISE SUPPLIER" UNDER THE MISSISSIPPI MINORITY BUSINESS ENTERPRISE ACT; TO AMEND SECTION 57-71-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF PRIVATE COMPANY; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS AUTHORIZED BY SUCH SECTION; TO AMEND SECTION 57-80-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE GROWTH AND PROSPERITY ACT; TO AMEND SECTION 57-85-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "PROJECT" AND "RURAL BUSINESS" UNDER THE MISSISSIPPI RURAL IMPACT ACT; TO AMEND SECTION 57-91-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO AMEND SECTION 57-117-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HEALTH CARE INDUSTRY FACILITY" AND "QUALIFIED BUSINESS" UNDER THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AMEND SECTION 57-119-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FROM THE GULF COAST RESTORATION FUND FOR PROJECTS THAT ARE MEDICAL CANNABIS ESTABLISHMENTS OR PROJECTS RELATED TO MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS

ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HIGH ECONOMIC BENEFIT PROJECT" AND "PRIVATE COMPANY" UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTIONS 69-2-11 AND 69-2-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE TO MEDICAL CANNABIS ESTABLISHMENTS UNDER THE MISSISSIPPI FARM REFORM ACT OF 1987; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Blackwell, Barnett, Butler (36th), Butler (38th), DeLano, Hickman, Horhn, Jackson (11th), Simmons (12th), Simmons (13th)

To: Public Health and Welfare

SENATE BILL NO. 2095
(As Sent to Governor)

AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE DEBILITATING MEDICAL CONDITIONS; TO REQUIRE A PATIENT TO RECEIVE A WRITTEN CERTIFICATION FROM A QUALIFIED PRACTITIONER TO QUALIFY FOR A REGISTRY IDENTIFICATION CARD FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE PROCESS BY WHICH A PATIENT MAY REGISTER AS A CARDHOLDER FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE CERTAIN PROTECTIONS TO PATIENTS, CAREGIVERS, MEDICAL PROVIDERS AND MEDICAL CANNABIS ESTABLISHMENTS FOR THE MEDICAL USE OF CANNABIS; TO PROVIDE FOR THE ALLOWABLE AMOUNT OF MEDICAL CANNABIS BY A QUALIFIED PATIENT; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH WILL ISSUE REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO QUALIFYING FACILITIES; TO ALLOW FOR A DEDUCTION FROM INCOME TAXES FOR ALL OF THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A BUSINESS AS A MEDICAL CANNABIS ESTABLISHMENT; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF HEALTH SHALL HAVE THE ULTIMATE AUTHORITY FOR OVERSIGHT OF THE ADMINISTRATION OF THE MEDICAL CANNABIS PROGRAM; TO REQUIRE THE DEPARTMENT OF HEALTH TO LICENSE CANNABIS CULTIVATION FACILITIES, CANNABIS PROCESSING FACILITIES, CANNABIS TRANSPORTATION ENTITIES, CANNABIS DISPOSAL ENTITIES, CANNABIS TESTING FACILITIES AND CANNABIS RESEARCH FACILITIES; TO REQUIRE THE DEPARTMENT OF REVENUE TO LICENSE MEDICAL CANNABIS DISPENSARIES; TO REQUIRE THE DEPARTMENT OF HEALTH TO REGISTER QUALIFIED PRACTITIONERS AND GRANT REGISTRY IDENTIFICATION CARDS TO QUALIFIED PATIENTS AND DESIGNATED CAREGIVERS; TO PROVIDE FOR A STATEWIDE SEED-TO-SALE TRACKING SYSTEM; TO PROVIDE FOR DEADLINES FOR THE IMPLEMENTATION OF THE PROGRAM; TO PROVIDE FOR CERTAIN LIMITATIONS OF THE APPLICATION OF THE ACT; TO PROVIDE THAT THE ACT DOES NOT AUTHORIZE ANY INDIVIDUAL TO ENGAGE IN NOR PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR CERTAIN ACTS RELATED TO THE USE OF MEDICAL CANNABIS; TO PROVIDE THAT CERTAIN DISCRIMINATORY ACTS AGAINST MEDICAL CANNABIS CARDHOLDERS ARE PROHIBITED; TO PROVIDE FOR PROCESS OF THE ADDITION OF

DEBILITATING MEDICAL CONDITIONS BY THE DEPARTMENT OF HEALTH; TO PROVIDE THAT NOTHING IN THE ACT PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MEDICAL CANNABIS IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF MEDICAL CANNABIS; TO PROVIDE THAT NOTHING IN THE ACT REQUIRES A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MEDICAL CANNABIS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO PROVIDE ANNUAL REPORTS TO THE GOVERNOR AND CERTAIN MEMBERS OF THE LEGISLATURE; TO REQUIRE THE DEPARTMENT OF HEALTH TO MAINTAIN A CONFIDENTIAL LIST OF REGISTRY IDENTIFICATION CARDS; TO REQUIRE CERTAIN NOTIFICATIONS FROM QUALIFYING PATIENTS; TO PROVIDE FOR THE FEES FOR LICENSES OF MEDICAL CANNABIS ESTABLISHMENTS; TO ALLOW MUNICIPALITIES AND COUNTIES TO ENACT ORDINANCES OR REGULATIONS NOT IN CONFLICT WITH THE ACT; TO PROHIBIT MEDICAL CANNABIS ESTABLISHMENTS FROM BEING LOCATED WITHIN 1,000 FEET OF THE NEAREST BOUNDARY LINE OF ANY SCHOOL, CHURCH OR CHILD CARE FACILITY UNLESS IT HAS RECEIVED A WAIVER; TO PROVIDE CERTAIN REQUIREMENTS, PROHIBITIONS AND PENALTIES FOR MEDICAL CANNABIS ESTABLISHMENTS; TO PROVIDE THAT NO MEDICAL CANNABIS ESTABLISHMENT SHALL SELL CANNABIS FLOWER OR TRIM THAT HAS A POTENCY OF GREATER THAN 30% TOTAL THC; TO REQUIRE ALL MEDICAL CANNABIS PRODUCTS TO CONTAIN A NOTICE OF HARM REGARDING THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE WEEKLY AND MONTHLY ALLOWABLE AMOUNT OF MEDICAL CANNABIS; TO PROVIDE THE POSSESSION LIMIT OF MEDICAL CANNABIS FOR RESIDENT AND NONRESIDENT CARDHOLDERS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO ESTABLISH AND PROMULGATE RULES AND REGULATIONS RELATING TO THE PROGRAM; TO ESTABLISH VIOLATIONS RELATED TO THE USE OF MEDICAL CANNABIS AND THE PROGRAM; TO PROVIDE FOR FINES, SUSPENSIONS AND REVOCATIONS FOR VIOLATIONS OF THE ACT; TO PROVIDE THAT BANKS SHALL NOT BE HELD LIABLE FOR PROVIDING FINANCIAL SERVICES TO A MEDICAL CANNABIS ESTABLISHMENT; TO IMPOSE AN EXCISE TAX ON MEDICAL CANNABIS CULTIVATION FACILITIES AT A RATE OF 5% OF THE SALE PRICE OF CANNABIS TRIM OR CANNABIS FLOWER; TO REQUIRE DISPENSARIES TO COLLECT AND REMIT THE SALES TAX LEVIED IN SECTION 27-65-17(1)(a) FROM THE GROSS PROCEEDS OF EACH SALE OF MEDICAL CANNABIS; TO ALLOW THE GOVERNING AUTHORITIES OF MUNICIPALITIES AND BOARD OF SUPERVISORS OF COUNTIES TO OPT OUT OF ALLOWING THE PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE ACT; TO PROVIDE FOR THE REFERENDUM PROCESS FOR A MUNICIPALITY OR COUNTY TO OPT INTO ALLOWING THE CULTIVATION, PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS IN A MUNICIPALITY OR COUNTY THAT HAS OPTED OUT; TO PROVIDE FOR THE JUDICIAL REVIEW FOR THOSE AGGRIEVED BY A FINAL DECISION OR ORDER RELATED TO THE MEDICAL CANNABIS PROGRAM; TO REQUIRE ALL FINES AND FEES COLLECTED BY THE DEPARTMENT OF HEALTH AND DEPARTMENT OF REVENUE TO BE DEPOSITED INTO THE STATE GENERAL FUND; TO ESTABLISH A MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO TEMPORARILY EXEMPT ACQUISITIONS OF INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES MADE BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND THE MISSISSIPPI

DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT, FROM MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES PROCUREMENT LAWS, RULES, AND REGULATIONS; TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH, STATE DEPARTMENT OF REVENUE, AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE MEDICAL MARIJUANA PROGRAM ESTABLISHED UNDER THIS ACT; TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERM CONTROLLED SUBSTANCE SHALL NOT INCLUDE THE POSSESSION OR USE OF MEDICAL CANNABIS THAT IS LAWFUL UNDER THIS ACT; TO AMEND SECTIONS 27-7-17, 27-65-111, 33-13-520, 41-29-125, 41-29-127, 41-29-136, 41-29-137, 41-29-139; 41-29-141, 41-29-143, 43-21-301, 43-21-303, 45-9-101, 59-23-7, 63-11-30, 71-3-7, 71-3-121, 73-15-29, 73-19-23, 73-21-127, 73-25-29 AND 83-9-22, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 17-1-3, 19-5-9, 25-43-1.103, 25-43-2.101, 25-43-3.102, 25-43-3.103, 25-43-3.104, 25-43-3.105, 25-43-3.106, 25-43-3.107, 25-43-3.109, 25-43-3.110 AND 25-43-3.113, MISSISSIPPI CODE OF 1972, WHICH ARE SECTIONS OF THE MISSISSIPPI ADMINISTRATIVE PROCEDURES LAW AND THE PROVISIONS RELATING TO THE ADOPTION OF BUILDING CODES IN COUNTIES, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 25-43-3.108, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR NONSUBSTANTIVE CHANGES; TO BRING FORWARD SECTION 41-3-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR POWERS AND DUTIES OF THE STATE BOARD OF HEALTH, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 27-7-22.5 AND 27-7-22.30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS AUTHORIZED BY SUCH SECTIONS; TO AMEND SECTIONS 27-31-51 AND 27-31-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONAL PROPERTY OF MEDICAL CANNABIS ESTABLISHMENTS IS NOT ELIGIBLE FOR FREEPORT WAREHOUSE AD VALOREM TAX EXEMPTIONS; TO AMEND SECTIONS 27-31-101 AND 27-31-104, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNTY BOARDS OF SUPERVISORS AND MUNICIPAL AUTHORITIES CANNOT GRANT CERTAIN AD VALOREM TAX EXEMPTIONS FOR MEDICAL CANNABIS ESTABLISHMENTS OR ENTER INTO FEE-IN-LIEU OF AD VALOREM TAX AGREEMENTS WITH MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 27-65-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT CONSIDERED TO BE TECHNOLOGY INTENSIVE ENTERPRISES FOR PURPOSES OF THE REDUCED SALES TAX RATE AUTHORIZED FOR SALES OF MACHINERY AND MACHINE PARTS TO TECHNOLOGY INTENSIVE ENTERPRISES; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN INDUSTRIAL SALES TAX EXEMPTIONS DO NOT APPLY TO SALES TO MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 37-148-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "INVESTOR" UNDER THE STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT; TO AMEND SECTION 57-1-16, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL

CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "EXTRAORDINARY ECONOMIC DEVELOPMENT OPPORTUNITY" FOR PURPOSES OF THE ACE FUND; TO AMEND SECTION 57-1-221, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "PROJECT" FOR PURPOSES OF THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND; TO AMEND SECTION 57-10-401, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "ELIGIBLE COMPANY" FOR PURPOSES OF THE SECTIONS OF LAW THAT PROVIDE FOR THE ISSUANCE OF BONDS BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE LOCATION OR EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO AMEND SECTION 57-61-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "PRIVATE COMPANY" UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT; TO AMEND SECTION 57-69-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "MINORITY BUSINESS ENTERPRISE" AND "MINORITY BUSINESS ENTERPRISE SUPPLIER" UNDER THE MISSISSIPPI MINORITY BUSINESS ENTERPRISE ACT; TO AMEND SECTION 57-71-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF PRIVATE COMPANY; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS AUTHORIZED BY SUCH SECTION; TO AMEND SECTION 57-80-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE GROWTH AND PROSPERITY ACT; TO AMEND SECTION 57-85-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "PROJECT" AND "RURAL BUSINESS" UNDER THE MISSISSIPPI RURAL IMPACT ACT; TO AMEND SECTION 57-91-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO AMEND SECTION 57-117-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HEALTH CARE INDUSTRY FACILITY" AND "QUALIFIED BUSINESS" UNDER THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AMEND SECTION 57-119-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FROM THE GULF COAST RESTORATION FUND FOR PROJECTS THAT ARE MEDICAL CANNABIS ESTABLISHMENTS OR PROJECTS RELATED TO MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HIGH ECONOMIC BENEFIT PROJECT" AND "PRIVATE COMPANY" UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTIONS 69-2-11 AND 69-2-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL

ASSISTANCE TO MEDICAL CANNABIS ESTABLISHMENTS UNDER THE MISSISSIPPI FARM REFORM ACT OF 1987; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Title. This chapter shall be known and may be cited as the "Mississippi Medical Cannabis Act."

SECTION 2. Definitions. For purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings ascribed herein:

(a) "Allowable amount of medical cannabis" means an amount not to exceed the maximum amount of Mississippi Medical Cannabis Equivalency Units ("MMCEU").

(b) "Bona fide practitioner-patient relationship" means:

(i) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner, within his or her scope of practice, has completed an in-person assessment of the patient's medical history and current mental health and medical condition and has documented their certification in the patient's medical file;

(ii) The practitioner has consulted in person with the patient with respect to the patient's debilitating medical condition; and

(iii) The practitioner is available to or offers to provide follow-up care and treatment to the patient.

(c) "Cannabis" means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted

from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

(d) "Cannabis cultivation facility" means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

(e) "Cannabis disposal entity" means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

(f) "Cannabis processing facility" means a business entity that is licensed and registered by the Mississippi Department of Health that:

(i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;

(ii) Possesses cannabis with the intent to manufacture a cannabis product;

(iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

(g) "Cannabis products" means cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Sections 41-29-113 and 41-29-136.

(h) "Cannabis research facility" or "research facility" means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

(i) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

(j) "Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

(k) "Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants.

(l) "Cardholder" means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid registry identification card.

(m) "Chronic pain" means a pain state in which the cause of the pain cannot be removed or otherwise treated, and which in the generally accepted course of medical practice, no

relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts by a practitioner.

(n) "Concentrate" means a substance obtained by separating cannabinoids from cannabis by:

(i) A mechanical extraction process;

(ii) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, food-grade ethanol or steam distillation; or

(iii) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure.

(o) "Debilitating medical condition" means:

(i) Cancer, Parkinson's disease, Huntington's disease, muscular dystrophy, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell anemia, Alzheimer's disease, agitation of dementia, post-traumatic stress disorder (PTSD), autism, pain refractory to appropriate opioid management, diabetic/peripheral neuropathy, spinal cord disease or severe injury, or the treatment of these conditions;

(ii) A chronic, terminal or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome, chronic pain,

severe or intractable nausea; seizures, or severe and persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or

(iii) Any other serious medical condition or its treatment added by the Mississippi Department of Health, as provided for in Section 9 of this act.

(p) "Designated caregiver" means a person who:

(i) Has agreed to assist with a registered qualifying patient's medical use of medical cannabis;

(ii) Assists no more than five (5) registered qualifying patients with their medical use of medical cannabis, unless the designated caregiver's registered qualifying patients each reside in or are admitted to a health care facility or facility providing residential care services or day care services where the designated caregiver is employed;

(iii) Is at least twenty-one (21) years of age unless the person is the parent or legal guardian of each qualifying patient the person assists; and

(iv) Has not been convicted of a disqualifying felony offense.

(q) "Disqualifying felony offense" means:

(i) A conviction for a crime of violence, as defined in Section 97-3-2;

(ii) A conviction for a crime that was defined as a violent crime in the law of the jurisdiction in which the

offense was committed, and that was classified as a felony in the jurisdiction where the person was convicted; or

(iii) A conviction for a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, including the service of any term of probation, incarceration or supervised release within the previous five (5) years and the offender has not committed another similar offense since the conviction. Under this subparagraph (iii), a disqualifying felony offense shall not include a conviction that consisted of conduct for which this chapter would likely have prevented the conviction but for the fact that the conduct occurred before the effective date of this act.

(r) "Edible cannabis products" means products that:

(i) Contain or are infused with cannabis or an extract thereof;

(ii) Are intended for human consumption by oral ingestion; and

(iii) Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges and other similar products.

(s) "Entity" means a corporation, general partnership, limited partnership or limited liability company that has been registered with the Secretary of State as applicable.

(t) "MMCEU" means Mississippi Medical Cannabis Equivalency Unit. One unit of MMCEU shall be considered equal to:

(i) Three and one-half (3.5) grams of medical cannabis flower;

(ii) One (1) gram of medical cannabis concentrate; or

(iii) One hundred (100) milligrams of THC in an infused product.

(u) "MDOH" means the Mississippi Department of Health.

(v) "MDOR" means the Mississippi Department of Revenue.

(w) "Medical cannabis" means cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

(x) "Medical cannabis dispensary" or "dispensary" means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

(y) "Medical cannabis establishment" means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

(z) "Medical cannabis establishment agent" means an owner, officer, board member, employee, volunteer or agent of a medical cannabis establishment.

(aa) "Medical use" includes the acquisition, administration, cultivation, processing, delivery, harvest, possession, preparation, transfer, transportation, or use of medical cannabis or equipment relating to the administration of medical cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. The term "medical use" does not include:

(i) The cultivation of cannabis unless the cultivation is done by a cannabis cultivation facility; or

(ii) The extraction of resin from cannabis by mechanical or chemical extraction unless the extraction is done by a cannabis processing facility.

(bb) "Nonresident cardholder" means a person who:

(i) Has been diagnosed with a debilitating medical condition by a practitioner in his or her respective state or territory, or is the parent, guardian, conservator or other person with authority to consent to the medical use of medical cannabis by a person who has been diagnosed with a debilitating medical condition;

(ii) Is not a resident of Mississippi or who has been a resident of Mississippi for less than forty-five (45) days; and

(iii) Has submitted any documentation required by MDOH rules and regulations and has received confirmation of registration.

(cc) "Practitioner" means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state. In relation to a nonresident cardholder, the term means a physician, certified nurse practitioner, physician assistant or optometrist who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and under the laws of the state or territory in which the nonresident patient resides. For registered qualifying patients who are minors, "practitioner" shall mean a physician or doctor of osteopathic medicine who is licensed to prescribe medicine under the licensing requirements of their respective occupational boards and the laws of this state.

(dd) "Public place" means a church or any area to which the general public is invited or in which the general public is permitted, regardless of the ownership of the area, and any area owned or controlled by a municipality, county, state or federal government, including, but not limited to, streets, sidewalks or

other forms of public transportation. Such term shall not mean a private residential dwelling.

(ee) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and has been issued a written certification.

(ff) "Registry identification card" means a document issued by the MDOH that identifies a person as a registered qualifying patient, nonresident registered qualifying patient or registered designated caregiver.

(gg) "School" means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program.

(hh) "Scope of practice" means the defined parameters of various duties, services or activities that may be provided or performed by a certified nurse practitioner as authorized under Sections 73-15-5 and 73-15-20, by an optometrist as authorized under Section 73-19-1, by a physician as authorized under Section 73-25-33, or by a physician assistant under Section 73-26-5, and rules and regulations adopted by the respective licensing boards for those practitioners.

(ii) "THC" or "Tetrahydrocannabinol" means any and all forms of tetrahydrocannabinol that are contained naturally in the cannabis plant, as well as synthesized forms of THC and derived variations, derivatives, isomers and allotropes that have similar molecular and physiological characteristics of tetrahydrocannabinol, including, but not limited to, THCA, THC Delta 9, THC Delta 8, THC Delta 10 and THC Delta 6.

(jj) "Written certification" means a form approved by the MDOH, signed and dated by a practitioner, certifying that a person has a debilitating medical condition. A written certification shall include the following:

(i) The date of issue and the effective date of the recommendation;

(ii) The patient's name, date of birth and address;

(iii) The practitioner's name, address, and federal Drug Enforcement Agency number; and

(iv) The practitioner's signature.

SECTION 3. Authorization to use medical cannabis; requirements. (1) No person shall be authorized to use medical cannabis in this state unless the person (a) has been diagnosed by a practitioner, with whom the person has a bona fide practitioner-patient relationship within his or her scope of practice, as having a debilitating medical condition for which the practitioner believes, in his or her professional opinion, that

the person would likely receive medical or palliative benefit from the medical use of medical cannabis to treat or alleviate the person's debilitating medical condition or symptoms associated with the person's debilitating medical condition, (b) has received a written certification of that diagnosis from the practitioner, and (c) has been issued a registry identification card from the MDOH under Section 12 of this act. A person who has been diagnosed by a practitioner as specified in paragraph (a) of this subsection shall be a qualifying patient, and the practitioner who has diagnosed the patient shall document that diagnosis with a written certification. However, nothing herein shall require a practitioner to issue a written certification.

(2) A written certification shall:

(a) Affirm that it is made in the course of a bona fide practitioner-patient relationship;

(b) Remain current for twelve (12) months, unless the practitioner specifies a shorter period of time;

(c) Be issued only after an in-person assessment of the patient by a practitioner;

(d) Only be issued on behalf of a minor when the minor's parent or guardian is present and provides signed consent; and

(e) Be limited to the allowable amount of cannabis in a thirty-day period.

(3) After a qualifying patient receives a written certification from a practitioner, the patient shall be required to make a follow-up visit with the practitioner not less than six (6) months after the date of issuance of the certification for the practitioner to evaluate and determine the effectiveness of the patient's medical use of medical cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(4) Before dispensing medical cannabis to a cardholder, the dispensary from which the cardholder is obtaining medical cannabis shall verify the identity of the cardholder and the authority of the cardholder to use medical cannabis as provided in Section 20 of this act and shall determine the maximum amount of medical cannabis that a cardholder is eligible to receive and the amount of medical cannabis that the cardholder has received from all dispensaries during a specified period of time using the statewide seed-to-sale tracking system under Section 6 of this act.

(5) A practitioner shall be registered to issue written certifications to qualifying patients by completing the required application process as set forth by the MDOH. The MDOH shall require a practitioner to complete a minimum of eight (8) hours of continuing education in medical cannabis in order to issue written certifications. After the first year of registration, these practitioners shall complete five (5) hours of continuing

education in medical cannabis annually to maintain this registration.

(6) Only physicians and doctors of osteopathic medicine may issue written certifications to registered qualifying patients who are minors.

SECTION 4. General Responsibilities of Departments. (1) The MDOH shall have the ultimate authority for oversight of the administration of the medical cannabis program, and the MDOH shall coordinate the activities of the MDOH and MDOR under the provisions of this chapter in order to best effectuate the purpose and intent of this chapter.

(2) The MDOH may contract with other governmental agencies and public or private third parties to assist the MDOH with carrying out any of the responsibilities delegated to the MDOH under this subsection. However, the MDOH shall be ultimately responsible for the performance of any responsibilities that are exercised by any agency or third party with which the MDOH has contracted under the authority of this subsection.

(3) The MDOH shall be responsible for:

(a) The licensing, oversight and inspection of cannabis testing facilities and cannabis research facilities;

(b) The licensing of cannabis cultivation facilities, cannabis processing facilities, cannabis transportation entities and cannabis disposal entities;

(c) The application and licensing of registry identification cards for qualifying patients and designated caregivers;

(d) The registering of practitioners in accordance with this chapter; and

(e) The selection, certification and oversight of the statewide seed-to-sale tracking system as provided for in Section 6 of this act.

(4) Unless otherwise provided herein, the MDOR shall be responsible for the licensing, inspection and oversight of medical cannabis dispensaries.

(5) The MDOR and MDOH shall accept applications for and award licenses according to their respective duties as provided for in this chapter, subject to the following:

(a) After one hundred twenty (120) days from the effective date of this act, the MDOH shall begin accepting applications, registering and licensing registry identification cards and practitioners.

(b) After one hundred twenty (120) days from the effective date of this act, the MDOH shall begin licensing and registering cannabis cultivation facilities, cannabis processing facilities, cannabis testing facilities, cannabis research facilities, cannabis disposal entities and cannabis transportation entities. After one hundred fifty (150) days from the effective date of this act, the MDOR shall issue licenses for medical

cannabis dispensaries as provided for in this chapter within thirty (30) days of receipt of the application from an applicant or within thirty (30) days after the initial one-hundred-fifty-day period, whichever is the later date.

(6) The MDOR and MDOH shall issue a registration certificate and a random ten-digit alphanumeric identification number to each licensed medical cannabis establishment, as applicable.

(7) After one hundred twenty (120) days from the effective date of this act, the MDOH shall issue licenses according to their respective duties as provided for in this chapter within thirty (30) days of receipt of the application from an applicant or within thirty (30) days after the initial one-hundred-twenty-day period, whichever is the later date. After one hundred fifty (150) days from the effective date of this act, the MDOR shall issue licenses according to their respective duties as provided for in this chapter within thirty (30) days of receipt of the application from an applicant or within thirty (30) days after the initial one-hundred-fifty-day period, whichever is the later date.

(8) It is the intent of the Legislature that the MDOH and MDOR and any other state agency, as needed, shall cooperate and collaborate together to accomplish the purposes of this chapter.

(9) (a) Subject to paragraph (b) of this subsection, the Department of Public Safety shall not be involved in or have any role regarding the administration, regulation or oversight of the medical cannabis program established under this chapter; however,

this provision does not prohibit the department from carrying out any law enforcement activities that a law enforcement agency may exercise under this chapter or that the department may exercise under the authority of any other law.

(b) The Department of Public Safety may assist the MDOH in conducting background checks of individuals as required under this chapter.

SECTION 5. Protections for the medical use of cannabis. (1) There is a presumption that a registered qualifying patient is engaged in the medical use of medical cannabis under this chapter if the person is in possession of a registry identification card and an amount of medical cannabis that does not exceed the allowable amount of medical cannabis. There is a presumption that a registered designated caregiver is assisting in the medical use of medical cannabis under this chapter if the person is in possession of a registry identification card and an amount of medical cannabis that does not exceed the allowable amount of medical cannabis. These presumptions may be rebutted by evidence that conduct related to medical cannabis was not for the purpose of treating or alleviating a registered qualifying patient's debilitating medical condition or symptoms associated with the registered qualifying patient's debilitating medical condition under this chapter.

(2) Subject to the conditions, limitations, requirements and exceptions set forth in this chapter, the following activities related to medical cannabis shall be considered lawful:

(a) The purchase, transportation or possession of up to the allowable amount or medical use of medical cannabis;

(b) Financial reimbursement by a registered qualifying patient to the patient's registered designated caregiver for direct costs incurred by the registered designated caregiver for assisting with the registered qualifying patient's medical use of medical cannabis;

(c) Compensating a dispensary for goods or services provided;

(d) The provision, by a professional or occupational licensee, of advice or services related to medical cannabis activities allowed under this chapter, to the extent such advice or services meet or exceed the applicable professional or occupational standard of care;

(e) Providing or selling equipment used to ingest medical cannabis to a cardholder, nonresident cardholder or to a medical cannabis establishment;

(f) Acting as a designated caregiver to assist a registered qualifying patient with the act of using or administering medical cannabis;

(g) Activities by a medical cannabis establishment or a medical cannabis establishment agent that are allowed by its license and registration;

(h) Activities by a dispensary or a dispensary agent to possess, store or sell medical cannabis products, educational materials and products used to ingest medical cannabis to cardholders, nonresident cardholders and other dispensaries, or to purchase or otherwise acquire medical cannabis products from cannabis cultivation facilities, cannabis processing facilities, cannabis research facilities or other dispensaries;

(i) Activities by a cannabis cultivation facility, cannabis processing facility or agents of these facilities to:

(i) Possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack or store medical cannabis;

(ii) Purchase or otherwise acquire medical cannabis and cannabis products from medical cannabis establishments; or

(iii) Sell, supply or transfer medical cannabis products, equipment used to ingest medical cannabis, and related supplies and educational materials to other cannabis cultivation facilities, cannabis processing facilities or dispensaries.

(j) Activities by a cannabis research facility, a cannabis testing facility or agents of these facilities to:

(i) Purchase or otherwise acquire medical cannabis from medical cannabis establishments;

(ii) Possess, produce, process, compound, convert, prepare, pack, test, repack and store medical cannabis and cannabis products obtained from medical cannabis establishments; or

(iii) Sell, supply or transfer medical cannabis, educational materials and equipment used to ingest medical cannabis to cannabis cultivation facilities, cannabis processing facilities, cannabis testing facilities and cannabis research facilities.

(k) Activities by a cannabis transportation entity or a cannabis disposal entity to transport, supply, deliver, dispose of or destroy cannabis, as applicable.

(3) Any medical cannabis, cannabis product, equipment used to ingest medical cannabis, or other interest in or right to property that is possessed, owned or used in connection with the medical use of medical cannabis as authorized by this chapter, or acts incidental to such use, shall not be seized or forfeited. This chapter shall not prevent the seizure or forfeiture of medical cannabis exceeding the allowable amounts of medical cannabis, nor shall it prevent seizure or forfeiture if the basis for the action is unrelated to the medical cannabis that is possessed, processed, transferred or used pursuant to this chapter.

(4) Possession of, or application for, a registry identification card shall not:

(a) Constitute probable cause or reasonable suspicion;

(b) Be used to support a search of the person or property of the person possessing or applying for the registry identification card; or

(c) Subject the person or property of the person to inspection by any governmental agency.

(5) It is the public policy of the State of Mississippi that contracts related to medical cannabis that are entered into by cardholders, medical cannabis establishments, medical cannabis establishment agents and those who allow property to be used by those persons, should be enforceable to the extent that those activities comply with the other provisions of this chapter. It is the public policy of the State of Mississippi that no contract entered into by a cardholder, a medical cannabis establishment, or a medical cannabis establishment agent, or by a person who allows property to be used for activities that are authorized under this chapter, shall be unenforceable on the basis that activities related to cannabis are prohibited by federal law.

(6) An applicant for a professional or occupational license shall not be denied a license based on previous employment related to medical cannabis activities that are allowed under this chapter.

SECTION 6. Seed-to-sale tracking system. (1) Each medical cannabis establishment shall use a statewide seed-to-sale tracking system certified by the MDOH to track medical cannabis from seed or immature plant stage until the medical cannabis is purchased by a registered qualifying patient or registered designated caregiver or destroyed. Records entered into the seed-to-sale tracking system shall include each day's beginning inventory, harvests, acquisitions, sales, disbursements, remediations, disposals, transfers, ending inventory, and any other data necessary for inventory control records in the statewide seed-to-sale tracking system. Each medical cannabis dispensary shall be responsible for ensuring that all medical cannabis sold or disbursed to a registered qualifying patient or registered designated caregiver is recorded in the seed-to-sale tracking system as a purchase by or on behalf of the applicable registered qualifying patients.

(2) Amounts of medical cannabis shall be recorded in the following manner:

(a) For dried, unprocessed cannabis, in ounces or grams;

(b) For concentrates, in grams; or

(c) For infused products, by milligrams of THC.

(3) The seed-to-sale tracking system used by cannabis cultivation facilities, dispensaries, cannabis processing facilities, cannabis testing facilities, cannabis research

facilities, cannabis transportation entities and cannabis disposal entities shall be capable of:

(a) Allowing those facilities and entities to interface with the statewide system such that a facility may enter and access information in the statewide system;

(b) Providing the MDOR and MDOH with access to all information stored in the system's database;

(c) Maintaining the confidentiality of all patient and caregiver data and records accessed or stored by the system such that all persons or entities other than the MDOR and MDOH may only access the information in the system that they are authorized by law to access;

(d) Producing analytical reports to the MDOR and MDOH regarding the total quantity of daily, monthly, and yearly sales at the facility per product type; the average prices of daily, monthly, and yearly sales at the facility per product type; and total inventory or sales record adjustments at the facility; and

(e) The ability to determine the amount of medical cannabis that a registered qualifying patient or registered designated caregiver has purchased that day in real time by searching a patient registration number.

(4) Banks and other financial institutions may be allowed access to specific limited information from the seed-to-sale tracking system. The information that may be available to these institutions shall be limited to financial data of individuals and

business entities that have a business relationship with these institutions. This information shall be limited to the information needed for banks to comply with applicable federal regulations and shall not disclose any medical or personal information about registered cardholders or designated caregivers.

SECTION 7. Limitations. (1) This chapter shall not be construed to do any of the following:

(a) Require an organization for managed care, health benefit plan, private health insurer, government medical assistance program, employer, property and casualty, or workers' compensation insurer or self-insured group providing coverage for a medical, pharmacy or health care service to pay for or reimburse any other individual or entity for costs associated with the medical use of cannabis;

(b) Require any employer to permit, accommodate, or allow the medical use of medical cannabis, or to modify any job or working conditions of any employee who engages in the medical use of medical cannabis or who for any reason seeks to engage in the medical use of medical cannabis;

(c) Prohibit any employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hiring, discharging, tenure, terms, conditions, or privileges of employment as a result, in whole or in part, of that individual's medical use of medical cannabis, regardless of the individual's

impairment or lack of impairment resulting from the medical use of medical cannabis;

(d) Prohibit or limit the ability of any employer from establishing or enforcing a drug-testing policy;

(e) Interfere with, impair or impede any federal restrictions or requirements on employment or contracting, including, but not limited to, regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations;

(f) Permit, authorize, or establish any individual's right to commence or undertake any legal action against an employer for refusing to hire, discharging, disciplining or otherwise taking an adverse employment action against an individual with respect to hiring, discharging, tenure, terms, conditions or privileges of employment due to the individual's medical use of medical cannabis;

(g) Affect, alter or otherwise impact the workers' compensation premium discount available to employers who establish a drug-free workplace program in accordance with Section 71-3-201 et seq.;

(h) Affect, alter or otherwise impact an employer's right to deny or establish legal defenses to the payment of workers' compensation benefits to an employee on the basis of a positive drug test or refusal to submit to or cooperate with a

drug test, as provided under Section 71-3-7 and Section 71-3-121; or

(i) Affect, alter or supersede any obligation or condition imposed on a parolee, probationer or an individual participating in a pretrial diversion program or other court-ordered substance abuse rehabilitation program.

(2) This chapter does not authorize any individual to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following conduct:

(a) Acting with negligence, gross negligence, recklessness, in breach of any applicable professional or occupational standard of care, or to effect an intentional wrong, as a result, in whole or in part, of that individual's medical use of medical cannabis;

(b) Possessing medical cannabis or otherwise engaging in the medical use of medical cannabis in any correctional facility, unless the correctional facility has elected to allow the cardholder to engage in the use of medical cannabis;

(c) Smoking medical cannabis in a public place or in a motor vehicle; for purposes of this paragraph (c), the term "smoking" includes vaping and any other method of inhalation of medical cannabis;

(d) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, motorboat or other conveyance in a manner that would violate Section 59-23-7, Section

63-11-30 or federal law as a result, in whole or in part, of that individual's medical use of medical cannabis;

(e) Possessing medical cannabis in excess of the allowable amount of medical cannabis; or

(f) Consumption, by a registered designated caregiver, of cannabis provided for use to a registered qualifying patient.

SECTION 8. Discrimination prohibited. (1) A person shall not be denied custody of or visitation rights or parenting time with a minor solely for the person's status as a cardholder.

(2) No school, landlord or employer may be penalized or denied any benefit under state law for enrolling, leasing to or employing a cardholder.

(3) A registered qualifying patient or registered designated caregiver shall not be denied the right to own, purchase or possess a firearm, firearm accessory or ammunition based solely on his or her status as a registered qualifying patient or registered designated caregiver. No state or local agency, municipal or county governing authority shall restrict, revoke, suspend or otherwise infringe upon the right of a person to own, purchase or possess a firearm, firearm accessory or ammunition or any related firearms license or certification based solely on his or her status as a registered qualifying patient or registered designated caregiver.

(4) Facilities such as schools, child care facilities and temporary care providers shall be allowed to administer medical cannabis in the same manner as with medical prescriptions.

(5) Nothing in this chapter shall be construed as to create a private right of action by an employee against an employer.

(6) Nothing in this chapter shall be construed to affect the existing legal relationship between an employer and employee or any existing law or regulation relating to such relationship.

SECTION 9. Addition of debilitating medical conditions. (1) Any resident of Mississippi may petition the MDOH to add serious medical conditions or their treatments to the list of debilitating medical conditions listed in Section 2 of this act. The MDOH shall consider petitions in accordance with its rules and regulations, including public notices and hearings. The MDOH shall approve or deny a petition within sixty (60) days of its submission.

(2) The approval or denial of any petition is a final decision of the MDOH. Any person aggrieved by a final decision may obtain judicial review thereof in accordance with Section 31 of this act.

SECTION 10. Acts not required and acts not prohibited. (1) Nothing in this chapter requires a government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of medical cannabis.

(2) Nothing in this chapter prohibits an employer from disciplining an employee for ingesting medical cannabis in the workplace or for working while under the influence of medical cannabis.

(3) Any person or establishment that is in lawful possession of property may allow a guest, client, customer or other visitor to use medical cannabis on or in that property as authorized under this chapter.

(4) A landlord may, but shall not be required to, allow the lawful cultivation, processing, testing, research, sale or use of medical cannabis on rental property as authorized under this chapter.

SECTION 11. Facility restrictions. (1) Any nursing facility, hospital, hospice, assisted living facility, personal care home, adult day care facility, or adult foster care facility may adopt reasonable restrictions on the use of medical cannabis by registered qualifying patients who are receiving health care services, residential care services, or day care services from the facility, including:

(a) That the facility will not store or maintain the patient's supply of medical cannabis;

(b) That the facility, caregivers, or hospice agencies serving the facility's residents are not responsible for providing the medical cannabis for registered qualifying patients; and

(c) That medical cannabis be consumed only in a place specified by the facility.

(2) Nothing in this section requires a facility listed in subsection (1) of this section to adopt restrictions on the medical use of medical cannabis.

(3) A facility listed in subsection (1) of this section may not unreasonably limit a registered qualifying patient's access to or medical use of medical cannabis authorized under this chapter, unless failing to do so would cause the facility to lose a monetary or licensing-related benefit under federal law or regulations.

SECTION 12. Issuance and denial of registry identification cards. (1) No later than one hundred twenty (120) days after the effective date of this act, the MDOH shall begin issuing registry identification cards to qualifying patients who submit the following:

(a) A written certification issued by a practitioner within sixty (60) days immediately preceding the date of the application;

(b) The application or renewal fee;

(c) The name, address, social security number, and date of birth of the qualifying patient;

(d) The name, address, and telephone number of the qualifying patient's practitioner issuing the written certification;

(e) The name, address, social security number, and date of birth of the designated caregiver, or designated caregivers, chosen by the qualifying patient; and

(f) If more than one (1) designated caregiver is designated at any given time, documentation demonstrating that a greater number of designated caregivers is needed due to the patient's age or medical condition.

(2) If the qualifying patient is unable to submit the information required by subsection (1) of this section due to the person's age or medical condition, the person responsible for making medical decisions for the qualifying patient may do so on behalf of the qualifying patient.

(3) Except as provided in subsection (5) of this section, the MDOH shall:

(a) Verify the information contained in an application or renewal submitted under this section and approve or deny an application or renewal within thirty (30) days of receiving a completed application or renewal application; and

(b) Issue registry identification cards to a qualifying patient and his or her designated caregiver(s), if any, within five (5) days of approving the application or renewal. A designated caregiver must have a registry identification card for each of his or her qualifying patients.

(4) The MDOH shall conduct a background check of the prospective designated caregiver or caregivers in order to carry

out the provisions of this section. The Department of Public Safety may assist the MDOH in conducting background checks.

(5) The MDOH shall not issue a registry identification card to a qualifying patient who is younger than eighteen (18) years of age, unless:

(a) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of medical cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(i) Acknowledge the potential harms related to the use of medical cannabis;

(ii) Allow the qualifying patient's medical use of medical cannabis;

(iii) Serve as the qualifying patient's designated caregiver; and

(iv) Control the acquisition of the medical cannabis, the dosage and the frequency of the use of medical cannabis by the qualifying patient.

(6) If a designated caregiver is an entity licensed to provide health care services, residential care services or day care services, then:

(a) The MDOH may provide a single registry identification card to the entity, regardless of the number of registered qualifying patients the entity serves; and

(b) The MDOH may issue individual registry identification cards for employees of the entity that may transport medical cannabis.

(7) The MDOH shall provide an electronic or physical list of registered qualifying patients who have designated the entity as their caregiver. This list shall be updated with each additional designation.

(8) The MDOH may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

(a) Did not provide the required information or materials;

(b) Previously had a registry identification card revoked;

(c) Provided false information; or

(d) Failed to meet the other requirements of this chapter.

(9) The MDOH may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if the applicant:

(a) Does not meet the definition of "designated caregiver" under Section 2 of this act;

(b) Did not provide the information required;

(c) Previously had a registry identification card revoked;

(d) Provided false information;

(e) Is younger than twenty-one (21) years of age and is not the parent or legal guardian of the qualifying patient who the designated caregiver would assist; or

(f) Failed to meet the other requirements of this chapter.

(10) The MDOH shall give written notice to the qualifying patient of the reason for denying a registry identification card to the qualifying patient or to the qualifying patient's designated caregiver.

(11) Denial of an application or renewal is considered a final MDOH action, subject to judicial review in accordance with Section 31 of this act.

SECTION 13. Registry identification cards. (1) Registry identification cards must contain all of the following:

(a) The name of the cardholder;

(b) A designation of whether the cardholder is a qualifying patient, a designated caregiver or a nonresident;

(c) The date of issuance and expiration date of the registry identification card;

(d) A random ten-digit alphanumeric identification number, containing at least four (4) numbers and at least four (4) letters, that is unique to the cardholder;

(e) If the cardholder is a designated caregiver, the random identification number of the qualifying patient the designated caregiver will assist;

(f) A photograph of the cardholder;

(g) The toll-free phone number or internet address where the card can be verified;

(h) A notice of the potential harm caused by medical cannabis; and

(i) A notice of the MMCEU daily, monthly and possession limit.

(2) The expiration date shall be visible on the registry identification card. Except as provided in subsection (3) or subsection (4) of this section, the expiration date for registry identification cards for residents shall be one (1) year after the date of issuance. The expiration date for registry identification cards for nonresidents shall be fifteen (15) days after the date of issuance, except as provided in subsection (4) of this section.

(3) If the practitioner stated in the written certification that the qualifying patient would benefit from the medical use of medical cannabis until a specified earlier date, then the registry identification card shall expire on that date, except as provided in subsection (4) of this section.

(4) (a) The expiration date for registry identification cards for residents that are issued not later than one hundred fifty (150) days after the effective date of this act shall be one (1) year after the initial one-hundred-fifty-day period.

(b) If the practitioner specified an earlier date for the expiration of the registry identification card as provided under subsection (3) of this section, then the registry identification card shall be valid for the period specified by the practitioner, which shall begin after the initial one-hundred-fifty-day period.

(c) The expiration date for registry identification cards for nonresidents that are issued not later than one hundred fifty (150) days after the effective date of this act shall be fifteen (15) days after the initial one-hundred-fifty-day period.

SECTION 14. Annual reports. (1) No later than December 31, 2022, and every December 31 thereafter, the MDOH and MDOR shall provide an annual report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Public Health and Welfare Committee, Chairman of the House of Representatives Public Health and Human Services Committee and the Chairmen of the Drug Policy Committees and Appropriation Committees of the Senate and House of Representatives.

(2) The MDOH and MDOR shall report every year to the Governor, Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Public Health and Welfare

Committee, Chairman of the House of Representatives Public Health and Human Services Committee and the Chairmen of the Drug Policy Committees and Appropriation Committees of the Senate and House of Representatives on the number of applications for registry identification cards received, the amount of fees, fines and taxes collected, any changes to the fees allowed to be charged under this chapter, any addition to the list of debilitating medical conditions, the number of qualifying patients and designated caregivers approved, the number of registry identification cards revoked and expenses incurred by the MDOH and MDOR. The MDOH shall not include identifying information on qualifying patients, designated caregivers or practitioners in the report.

(3) The MDOR shall provide quarterly reports for all sales of medical cannabis sold by dispensaries to registered qualified patients to the Governor, Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Public Health and Welfare Committee, Chairman of the House of Representatives Public Health and Human Services Committee, and the Chairmen of the Drug Policy Committees and Appropriation Committees of the Senate and House of Representatives. The MDOR shall report every year on the number of each type of medical cannabis establishments that are licensed and registered and the expenses incurred and revenues generated from the medical cannabis program to the Governor, Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Public Health and Welfare Committee,

Chairman of the House of Representatives Public Health and Human Services Committee, and the Chairmen of the Drug Policy Committees and Appropriation Committees of the Senate and House of Representatives.

SECTION 15. Verification system. (1) The MDOH shall maintain a confidential list of the persons to whom the MDOH has issued registry identification cards and their addresses, phone numbers, and registry identification numbers. This confidential list shall not be combined or linked in any manner with any other lists or databases, nor shall it be used for any purpose not provided for in this chapter.

(2) All records containing the identity of registered qualifying patients, registered designated caregivers or practitioners shall be confidential and exempt from disclosure under the Mississippi Public Records Act or any related statute, rule or regulation pertaining to public disclosure of records. Within one hundred twenty (120) days after the effective date of this act, the MDOH shall establish a secure phone and internet-based verification system. The verification system must allow law enforcement personnel and medical cannabis establishments to enter a registry identification number to determine whether the number corresponds with a current, valid registry identification card. The system may disclose only:

(a) Whether the identification card is valid;

(b) The name of the cardholder;

(c) Whether the cardholder is a registered qualifying patient, a registered designated caregiver, or a nonresident; and

(d) If a cardholder is a registered designated caregiver, the registry identification number of any affiliated registered qualifying patient.

SECTION 16. Notifications to department and responses. (1) The following notifications and MDOH responses are required:

(a) A registered qualifying patient shall notify the MDOH of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her diagnosed debilitating medical condition, within twenty (20) days of the change.

(b) A registered designated caregiver shall notify the MDOH of any change in his or her name or address, or if the designated caregiver becomes aware that the registered qualifying patient passed away, within twenty (20) days of the change.

(c) Before a registered qualifying patient changes his or her registered designated caregiver, the registered qualifying patient must notify the MDOH.

(d) If a cardholder loses his or her registry identification card, he or she shall notify the MDOH within ten (10) days of becoming aware that the card has been lost.

(2) Each notification that a registered qualifying patient is required to make shall instead be made by the patient's registered designated caregiver if the qualifying patient is

unable to make the notification due to his or her age or medical condition.

(3) When a cardholder notifies the MDOH of any of the circumstances listed in subsection (1) of this section but remains eligible under this chapter, the MDOH shall issue the cardholder a new registry identification card within ten (10) days of receiving the updated information and a Twenty-five Dollar ($25.00) fee. If the person notifying the MDOH is a registered qualifying patient, the MDOH shall also issue his or her registered designated caregiver, if any, a new registry identification card within ten (10) days of receiving the updated information.

(4) If the registered qualifying patient's certifying practitioner notifies the patient and the MDOH in writing that either the registered qualifying patient has ceased to have a debilitating medical condition or that the practitioner no longer believes, in his or her professional opinion and within his or her scope of practice, that the patient would likely receive medical or palliative benefit from the medical use of medical cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition, the card shall become null and void.

(5) A medical cannabis establishment shall notify the MDOH within one (1) business day of any theft or loss of medical cannabis.

(6) A medical cannabis establishment shall notify its licensing agency within one (1) business day if there is a change of ownership or closure of the entity.

SECTION 17. Reporting requirement of dispensaries. Medical cannabis dispensaries shall report medical cannabis dispensing information every twenty-four (24) hours to the Prescription Monitoring Program provided for in Section 73-21-127. Dispensaries shall submit information as required by the Prescription Monitoring Program, including, but not limited to, the qualified patient's registry identification card number and the amount of medical cannabis dispensed to the patient.

SECTION 18. Licensing of medical cannabis establishments. (1) The MDOH shall issue licenses for cannabis cultivation facilities, cannabis processing facilities, cannabis transportation entities, cannabis disposal entities, cannabis research facilities and cannabis testing facilities. The MDOR shall issue licenses for medical cannabis dispensaries.

(2) The cannabis cultivation facility license application fee shall be subject to the following tiers:

(a) Micro-cultivators.

(i) Tier 1. A cannabis cultivation facility with a canopy of one thousand (1,000) square feet or less shall be subject to a one-time nonrefundable license application fee of One Thousand Five Hundred Dollars ($1,500.00). The annual license fee shall be a nonrefundable fee of Two Thousand Dollars ($2,000.00).

(ii) Tier 2. A cannabis cultivation facility with a canopy of more than one thousand (1,000) square feet but not more than two thousand (2,000) square feet shall be subject to a one-time nonrefundable license application fee of Two Thousand Five Hundred Dollars ($2,500.00). The annual license fee shall be a nonrefundable fee of Three Thousand Five Hundred Dollars ($3,500.00).

(b) Cultivators.

(i) Tier 1. A cannabis cultivation facility with a canopy of not less than two thousand (2,000) square feet but not more than five thousand (5,000) square feet shall be subject to a one-time nonrefundable license application fee of Five Thousand Dollars ($5,000.00). The annual license fee shall be a nonrefundable fee of Fifteen Thousand Dollars ($15,000.00).

(ii) Tier 2. A cannabis cultivation facility with a canopy of not less than five thousand (5,000) square feet but not more than fifteen thousand (15,000) square feet shall be subject to a one-time nonrefundable license application fee of Ten Thousand Dollars ($10,000.00). The annual license fee shall be a nonrefundable fee of Twenty-five Thousand Dollars ($25,000.00).

(iii) Tier 3. A cannabis cultivation facility with a canopy of not less than fifteen thousand (15,000) square feet but not more than thirty thousand (30,000) square feet shall be subject to a one-time nonrefundable license application fee of Twenty Thousand Dollars ($20,000.00). The annual license fee

shall be a nonrefundable fee of Fifty Thousand Dollars ($50,000.00).

(iv) Tier 4. A cannabis cultivation facility with a canopy of not less than thirty thousand (30,000) square feet but not more than sixty thousand (60,000) square feet shall be subject to a one-time nonrefundable license application fee of Thirty Thousand Dollars ($30,000.00). The annual license fee shall be a nonrefundable fee of Seventy-five Thousand Dollars ($75,000.00).

(v) Tier 5. A cannabis cultivation facility with a canopy of not less than sixty thousand (60,000) square feet but not more than one hundred thousand (100,000) square feet shall be subject to a one-time nonrefundable license application fee of Forty Thousand Dollars ($40,000.00). The annual license fee shall be a nonrefundable fee of One Hundred Thousand Dollars ($100,000.00).

(vi) Tier 6. A cannabis cultivation facility with a canopy of one hundred thousand (100,000) square feet or more shall be subject to a one-time nonrefundable license application fee of Sixty Thousand Dollars ($60,000.00). The annual license fee shall be a nonrefundable fee of One Hundred Fifty Thousand Dollars ($150,000.00).

(3) The cannabis processing facility license application fee shall be subject to the following tiers:

(a) Micro-processors.

(i) Tier 1. A cannabis processing facility which processes less than two thousand (2,000) pounds of dried biomass cannabis material annually shall be subject to a one-time nonrefundable license application fee of Two Thousand Dollars ($2,000.00). The annual license fee shall be a nonrefundable fee of Three Thousand Five Hundred Dollars ($3,500.00).

(ii) Tier 2. A cannabis processing facility which processes not less than two thousand (2,000) pounds but less than three thousand (3,000) pounds of dried biomass cannabis material annually shall be subject to a one-time nonrefundable license application fee of Two Thousand Five Hundred Dollars ($2,500.00). The annual license fee shall be a nonrefundable fee of Five Thousand Dollars ($5,000.00).

(b) Processors. A cannabis processing facility which processes not less than three thousand (3,000) pounds of biomass cannabis material annually shall be subject to a one-time nonrefundable license application fee of Fifteen Thousand Dollars ($15,000.00). The annual license fee shall be a nonrefundable fee of Twenty Thousand Dollars ($20,000.00).

(4) A medical cannabis dispensary shall be subject to a one-time nonrefundable license application fee of Fifteen Thousand Dollars ($15,000.00). The annual license fee shall be a nonrefundable fee of Twenty-five Thousand Dollars ($25,000.00).

(5) Cannabis transportation entities shall be subject to a one-time nonrefundable application fee of Five Thousand Dollars

($5,000.00). The annual license fee shall be a nonrefundable fee of Seven Thousand Five Hundred Dollars ($7,500.00).

(6) Cannabis disposal entities shall be subject to a one-time nonrefundable application fee of Five Thousand Dollars ($5,000.00). The annual license fee shall be a nonrefundable fee of Seven Thousand Five Hundred Dollars ($7,500.00).

(7) Cannabis testing facilities shall be subject to a one-time nonrefundable application fee of Ten Thousand Dollars ($10,000.00) and an annual license fee of Fifteen Thousand Dollars ($15,000.00). A cannabis testing facility shall not employ an agent or employee who also is employed or has ownership at any other medical cannabis establishment.

(8) Cannabis research facilities shall be subject to a one-time nonrefundable application fee of Ten Thousand Dollars ($10,000.00) and an annual license fee of Fifteen Thousand Dollars ($15,000.00). A research facility at any university or college in this state shall be exempt from all fees imposed under this section.

(9) No individual or business entity shall have a direct or indirect ownership or economic interest of greater than ten percent (10%) in:

(a) More than one (1) cannabis cultivation facility license;

(b) More than one (1) cannabis processing facility license; and

(c) More than five (5) medical cannabis dispensary licenses.

(10) Minimum qualifications for applicants for a cannabis cultivation facility, a cannabis processing facility, a medical cannabis dispensary, a medical cannabis transportation entity or a medical cannabis disposal entity license(s) are as follows:

(a) An individual applicant for a cannabis cultivation facility, cannabis processing facility, medical cannabis dispensary, medical cannabis transportation entity or medical cannabis disposal license shall be a natural person who:

(i) Is at least twenty-one (21) years of age;

(ii) Has not previously held a license for a cannabis cultivation facility, cannabis processing facility, medical cannabis dispensary, medical cannabis transportation entity or medical cannabis disposal entity that has been revoked;

(iii) Has not been convicted of a disqualifying felony offense;

(iv) If possessing a professional or occupational license, that the license is in good standing;

(v) Has submitted a sworn statement indicating that he or she is a true and actual owner of the entity for which the license is desired, and that he or she intends to carry on the business authorized for himself or herself and the entity and not as the agent for any other entity.

(vi) Has no outstanding tax delinquencies owed to the State of Mississippi;

(vii) Is not serving as a member of the Mississippi Senate or Mississippi House of Representatives through December 31, 2022;

(viii) Is not the spouse of a person serving as a member of the Mississippi Senate or Mississippi House of Representatives through December 31, 2022; and

(b) If the applicant is applying on behalf of an entity, in addition to paragraph (a) of this subsection, the individual applicant shall:

(i) Be legally authorized to submit an application on behalf of the entity;

(ii) Serve as the primary point of contact with the MDOR and MDOH;

(iii) Submit sufficient proof that the entity has no owner, board member, officer, or anyone with an economic interest in the entity who:

1. Is under the age of twenty-one (21);

2. Has previously been an owner of a medical cannabis dispensary, cannabis cultivation facility, a cannabis processing facility, medical cannabis transportation entity or medical cannabis disposal entity that has had its license revoked;

3. Has been convicted of a disqualifying felony offense;

4. Owes delinquent taxes to the State of Mississippi;

5. Is serving as a member of the Mississippi Senate or Mississippi House of Representatives through December 31, 2022; and

6. Is the spouse of a person serving as a member of the Mississippi Senate or Mississippi House of Representatives through December 31, 2022; and

(iv) Submit sufficient proof that if an owner, board member, officer or anyone with an economic interest in the entity has or had a professional or occupational license, that the license is in good standing.

(11) Applicants for cannabis cultivation facility licenses and cannabis processing facility licenses shall both meet the minimum qualifications in subsection (10) of this section and shall also submit sufficient proof of the following:

(a) If a natural person, proof that the person has been a resident of the State of Mississippi and a citizen of the United States of America for at least three (3) years prior to the application date; or

(b) If a business entity, proof that at least thirty-five percent (35%) of the equity ownership interests in the entity are held by individuals who have been residents of the State of Mississippi and citizens of the United States of America

for at least three (3) consecutive years prior to the application date.

This subsection (11) shall stand repealed on December 31, 2022.

(12) A micro-cultivator or a micro-processor shall both meet the minimum qualifications in subsection (10) of this section and shall also submit sufficient proof of the following:

(a) If a natural person, proof that the person has been a resident of the State of Mississippi and a citizen of the United States of America for at least three (3) years prior to the application date; or

(b) If a business entity, provide proof that:

(i) It was registered as an entity with the Secretary of State in Mississippi; and

(ii) One-hundred percent (100%) of the equity ownership interests in the entity are held by individuals who have been residents of the State of Mississippi and citizens of the United States of America for at least three (3) consecutive years prior to the application date.

(13) For purposes of this section, it shall be sufficient to prove Mississippi residency for the individual(s) to submit two (2) of the following source documents:

(a) Mississippi Tax Return Form 80-105 or Form 80-205 for each of the three (3) years preceding the application without schedules, worksheets, or attachments, and redacted to remove all

financial information and all but the last four (4) digits of the individual's social security number for the three (3) years preceding the application;

(b) Ownership, lease, or rental documents for place of primary domicile for the three (3) years preceding the application;

(c) Billing statements, including utility bills for the three (3) years preceding the application; or

(d) Vehicle registration for the three (3) years preceding the application.

(14) Ownership in a cannabis cultivation facility license, cannabis processing facility license or a medical cannabis dispensary license or investment in a business that supports or benefits from such a license shall not disqualify or otherwise negatively impact the license or finding of suitability of such owner who is otherwise engaged in any other form of business operation in the state, if such business requires the owner to hold a license or be found suitable under state law.

(15) Any business or state entity applying for registration as a medical cannabis establishment must meet all the requirements specified in this chapter.

(16) A prospective medical cannabis establishment shall submit all of the following:

(a) An application, including:

(i) The legal name of the prospective medical cannabis establishment;

(ii) The physical address of the prospective medical cannabis establishment, which shall not be within one thousand (1,000) feet of the nearest property boundary line of a school, church or child care facility which exists or has acquired necessary real property for the operation of such facility before the date of the medical cannabis establishment application unless the entity has received approval from the school, church or child care facility and received the applicable waiver from their licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility;

(iii) The name of each principal officer and board member of the proposed medical cannabis establishment; and

(iv) Any additional information requested by the MDOR and MDOH.

(b) Operating procedures consistent with rules and regulations for oversight of the proposed medical cannabis establishment, including procedures to ensure accurate record keeping and adequate security measures.

(c) If the municipality or county where the proposed medical cannabis establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed

medical cannabis establishment is in compliance with the restrictions.

(d) If the municipality or county where the proposed medical cannabis establishment would be located requires a local registration, license or permit, then proof of receiving such registration, license or permit.

(e) If the application is on behalf of an entity, verification that none of the principal officers or board members have served as a principal officer or board member for a medical cannabis establishment that has had its license revoked.

(f) If the application is on behalf of an entity, verification that none of the principal officers or board members is under twenty-one (21) years of age.

(17) The MDOR and MDOH shall issue a renewal registration certificate within ten (10) days of receipt of the prescribed renewal application and renewal fee from a medical cannabis establishment if its license is not under suspension and has not been revoked.

(18) A licensing agency shall require disclosure only of persons, entities or affiliated entities who directly or indirectly own ten percent (10%) or more of a medical cannabis establishment issued a license by the licensing agency.

(19) Otherwise eligible applicants for licenses to operate as medical cannabis establishments under this chapter shall not be disqualified from receipt of a license based on:

(a) Their location on Mississippi Choctaw Indian Reservation Lands; or

(b) The involvement of the Mississippi Band of Choctaw Indians or any entity owned or operated by the Mississippi Band of Choctaw Indians as an owner or co-owner of such license, provided that such license shall be subject to revocation for material noncompliance with this chapter on the same basis as any other license.

(20) A cannabis processing facility that produces edible cannabis products shall hold a permit to operate as a food establishment and shall comply with all applicable requirements for food establishments as set by the MDOH.

(21) Denial of an application or renewal is considered a final MDOH or MDOR action, subject to judicial review in accordance with Section 31 of this act.

SECTION 19. Local ordinances. (1) A municipality or county may enact ordinances or regulations not in conflict with this chapter, or with regulations enacted under this chapter, governing the time, place, and manner of medical cannabis establishment operations in the locality. A municipality or county may establish penalties for violation of an ordinance or regulation governing the time, place and manner of a medical cannabis establishment that may operate in the municipality or county.

(2) No municipality or county may prohibit dispensaries either expressly or through the enactment of ordinances or

regulations that make their operation impracticable in the jurisdiction. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or child care facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church or child care facility and by applying for a waiver with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility.

(3) A dispensary, cannabis research facility or cannabis testing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as agricultural or industrial or for which agricultural or industrial use is otherwise authorized or not prohibited, provided that it being there does not violate any other provision of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as commercial or for which

commercial use is otherwise authorized or not prohibited, provided that the municipality or county has authorized the entity to be located in such area and that it being there does not violate any other provision of this chapter. The municipality or county may authorize this by granting a variance to an existing zoning ordinance or by adopting a change in the zoning ordinance that allows for those entities to be located in specific commercial areas.

(4) A municipality or county may require a medical cannabis establishment to obtain a local license, permit or registration to operate, and may charge a reasonable fee for the local license, permit or registration, provided that this fee is consistent with fees charged to businesses that are not involved in the cannabis industry.

(5) No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary. If the sole basis of denial by the licensing agency in refusing to issue the medical cannabis dispensary a license to operate is that the dispensary fails the distance requirement of this subsection (5), then the licensing agency may refund all or part of the license application fee in Section 18(5) of this act to the applicant.

SECTION 20. Requirements, prohibitions and penalties. (1) Medical cannabis establishments shall conduct a background check

into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at or for the medical cannabis establishment.

(2) A medical cannabis establishment may not employ any person who:

(a) Was convicted of a disqualifying felony offense; or

(b) Is under twenty-one (21) years of age.

(3) The operating documents of a medical cannabis establishment must include procedures for the oversight of the medical cannabis establishment and procedures to ensure accurate record keeping and adequate security measures.

(4) A medical cannabis establishment shall implement appropriate security measures designed to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis.

(5) All cultivation, harvesting, processing and packaging of medical cannabis must take place in an enclosed, locked and secure facility with a physical address provided to the MDOH during the licensing and registration process. The facility shall be equipped with locks or other security devices that permit access only by agents of the medical cannabis establishment, emergency personnel or adults who are twenty-one (21) years of age and older and who are accompanied by medical cannabis establishment agents.

(6) No medical cannabis establishment other than a cannabis processing facility or cannabis research facility may produce cannabis concentrates, cannabis extractions, or other cannabis products.

(7) A medical cannabis establishment may not share office space with or refer patients to a practitioner.

(8) Medical cannabis establishments are subject to inspection by the MDOR and MDOH during business hours.

(9) Before medical cannabis may be dispensed to a cardholder, a dispensary agent must:

(a) Require that the individual present a registry identification card;

(b) Make a diligent effort to verify that the registry identification card presented to the dispensary is valid;

(c) Make a diligent effort to verify that the person presenting the registry identification card is the person identified on the registry identification card presented to the dispensary agent; and

(d) Not believe that the amount of medical cannabis dispensed would cause the person to possess more than the allowable amount of medical cannabis.

(10) A medical cannabis establishment shall not sell more than the allowable amount of medical cannabis to a cardholder. A resident cardholder shall not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary

or a combination of dispensaries. A resident cardholder shall not obtain more than a total of twenty-four (24) MMCEUs of allowable medical cannabis in thirty (30) days from a dispensary or a combination of dispensaries.

The possession limit for resident cardholders of the allowable amount of medical cannabis shall be a total of twenty-eight (28) MMCEUs. There shall not be a possession limit on nonconsumable medical cannabis, including, but not limited to, suppositories, ointments, soaps, and lotions or other topical agents.

(11) For purposes of this chapter, total THC is defined as THCA multiplied by .877 plus THC Delta 9 and all other psychoactive forms or isomers of THC added together. A medical cannabis establishment shall not sell cannabis flower or trim that has a potency of greater than thirty percent (30%) total THC. A medical cannabis dispensary shall not sell cannabis tinctures, oils or concentrates that have a potency of greater than sixty percent (60%) total THC. Cannabis products that have a potency of over thirty percent (30%) total THC shall be clearly labeled as "extremely potent." Edible cannabis products, including food or drink products, that have been combined with usable cannabis or cannabis products shall be physically demarked and labeled with a clear determination of how much total THC is in a single-serving size and how much THC is in the entire package.

A medical cannabis product shall contain a notice of harm regarding the use of cannabis products. Edible cannabis products shall be homogenized to ensure uniform disbursement of cannabinoids throughout the product. All molded edible cannabis products shall be presented in the form of geometric shapes and shall not be molded to contain any images or characters designed or likely to appeal to minors, such as cartoons, toys, animals or children.

(12) A dispensary may not dispense more than the allowable amount of cannabis to a registered qualifying patient or a nonresident cardholder, directly or via a registered designated caregiver. Dispensaries shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much medical cannabis is being dispensed to the registered qualifying patient or nonresident cardholder and whether it was dispensed directly to a registered qualifying patient, nonresident cardholder or to the registered designated caregiver.

(13) A nonresident cardholder shall not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary or a combination of dispensaries. A nonresident cardholder shall not obtain more than a total of twelve (12) MMCEUs of allowable cannabis from a dispensary or a combination of dispensaries in a fifteen-day period.

(14) A nonresident may apply to receive a nonresident registry identification card up to thirty (30) days before arriving in Mississippi. A nonresident registry identification card shall be valid for fifteen (15) days. After the expiration of the card, a nonresident may apply for a renewal of the card and may be granted another card which shall be valid for another fifteen-day period. A nonresident registry identification card shall only be valid, at a maximum, for two (2) separate periods of fifteen (15) days in a three-hundred-sixty-five-day period. An applicant may indicate on his or her application the specific time period that he or she wishes for the card to be valid. The possession limit of the allowable amount of medical cannabis for nonresident cardholders shall be fourteen (14) MMCEUs.

(15) A medical cannabis dispensary agent or employee shall not issue a written certification. Employees and agents of a medical cannabis dispensary shall complete at least eight (8) hours of continuing education in medical cannabis as regulated by the MDOR in order to be certified to work at a medical cannabis dispensary. After the first year of employment, these employees shall complete five (5) hours of continuing education in medical cannabis annually to maintain this certification.

(16) Notwithstanding any other provision to the contrary, a patient with a debilitating medical condition who is between eighteen (18) years to twenty-five (25) years of age is not eligible for a medical cannabis registry identification card

unless two (2) practitioners from separate medical practices have diagnosed the patient as having a debilitating medical condition after an in-person consultation. One (1) of these practitioners must be a physician or doctor of osteopathic medicine.

If one (1) of the recommending practitioners is not the patient's primary care practitioner, the recommending practitioner shall review the records of a diagnosing practitioner. The requirement that the two (2) practitioners be from separate medical practices does not apply if the patient is homebound or if the patient had a registry identification card before the age of eighteen (18).

(17) A medical cannabis establishment shall not allow an individual who is younger than twenty-one (21) years old to enter the premises of the establishment unless the individual possesses a registry identification card and is accompanied by his or her legal guardian.

(18) A medical cannabis establishment shall only purchase, grow, cultivate, and use cannabis that is grown and cultivated in this state. Any medical cannabis that is grown and cultivated in this state shall not be transported outside of this state.

(19) Employees of all medical cannabis establishments shall apply for a work permit with the MDOH and MDOR, as applicable, before beginning employment with any establishment. The licensing agency for the respective medical cannabis establishment may issue work permits to these individuals. These licensing agencies shall

maintain a work registry of all applicants and work permits issued. The fee for a work permit shall be Twenty-five Dollars ($25.00) and the permit shall be valid for five (5) years. Work permits shall be the property of the employee and shall not be transferable to other employees.

(20) For purposes of this subsection, "plant growth regulator cannabis" shall mean a cannabis plant whose growth and structure has been modified using plant growth hormones. A cannabis cultivation facility shall not cultivate and a cannabis dispensary shall not sell, transfer or provide for consumption plant growth regulator cannabis.

(21) A medical cannabis dispensary shall only make sales to cardholders inside the dispensary. A medical cannabis dispensary shall not sell or otherwise convey medical cannabis to a cardholder through the means of a drive-through, curbside delivery or other delivery outside the premises of the dispensary.

(22) Any and all contracts or agreements entered into by the MDOH and MDOR for information technology software, hardware, and/or services for the purpose of implementing and/or operating under the Mississippi Medical Cannabis Act shall include language reasonably limiting the ability of the vendor to escalate the ongoing cost of such software, hardware, and/or services during the term of the contract, including any amendments and/or extensions.

(23) The MDOR and MDOH shall not share the name, address or personal data of a registry identification cardholder to any federal government entity.

SECTION 21. Agencies to issue rules and regulations. (1) From and after the effective date of this act, the MDOH and MDOR shall each, where relevant to the role of that particular agency, establish and promulgate the following rules and regulations:

(a) Governing the manner in which it shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in Section 2 of this act, including public notice of and opportunities to comment in public hearings on the petitions;

(b) Establishing the form and content of license and renewal applications and written certifications submitted under this chapter;

(c) Governing the manner in which it shall consider applications for and renewals of registry identification cards, which may include creating a standardized written certification form;

(d) Governing medical cannabis establishments with the goals of ensuring the health and safety of registered qualifying patients and preventing diversion and theft of medical cannabis without imposing an undue burden or compromising the confidentiality of cardholders, including:

(i) Oversight requirements;

(ii) Recordkeeping requirements;

(iii) Qualifications that are directly and demonstrably related to the operation of medical cannabis establishments;

(iv) Security requirements, including lighting, physical security, and alarm requirements;

(v) Health and safety regulations, including restrictions on the use of pesticides, herbicides or other chemicals that are injurious to human health;

(vi) Standards for the processing of cannabis products and the indoor cultivation of cannabis by cannabis cultivation facilities;

(vii) Requirements for the transportation and storage of cannabis by medical cannabis establishments;

(viii) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent of the establishment;

(ix) Standards for the safe processing of medical cannabis products, including extracts and concentrates;

(x) Restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary, listings in business directories, including phone books, listings

in cannabis-related or medical publications, or the sponsorship of health or not-for-profit charity or advocacy events;

(xi) Requirements and procedures for the safe and accurate packaging and labeling of medical cannabis, including prohibiting the use of any images designed or likely to appeal to minors, such as cartoons, packaging that resembles popular candy brands, toys, animals or children, or any other likeness or image containing characters or phrases to advertise to minors;

(xii) Standards for cannabis testing facilities, including requirements for equipment and qualifications for personnel;

(xiii) Protocol development for the safe delivery of medical cannabis from dispensaries to cardholders;

(xiv) Reasonable requirements to ensure the applicant has sufficient property or capital to operate the applicant's proposed medical cannabis establishment;

(xv) Procedures for suspending or terminating the licenses or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of the provisions of this chapter or the rules and regulations promulgated pursuant to this section;

(xvi) Procedures for the selection, certification and oversight of a seed-to-sale tracking system as provided for in Section 6 of this act;

(xvii) Requirements for labeling medical cannabis and cannabis products, including requiring medical cannabis product labels to include the following:

1. The length of time it typically takes for the product to take effect;

2. Disclosure of ingredients and possible allergens;

3. A nutritional fact panel;

4. The amount of THC and CBD in the product;

5. A notice of the potential harm caused by consuming medical cannabis; and

6. For edible cannabis products, when practicable, a standard symbol indicating that the product contains cannabis;

(xviii) Procedures for the registration of nonresident cardholders, which must require the submission of:

1. A practitioner's statement confirming that the patient has a debilitating medical condition; and

2. Documentation demonstrating that the nonresident cardholder is allowed to possess medical cannabis or cannabis preparations in the jurisdiction where he or she resides;

(xix) The amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder can possess;

(xx) Reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:

1. The fee schedule shall be set as follows:

a. The qualifying patient registry identification card application fee shall be Twenty-five Dollars ($25.00);

b. The designated caregiver registry identification card application fee shall be Twenty-five Dollars ($25.00);

c. The designated caregiver criminal background fee shall be Thirty-seven Dollars ($37.00);

d. The fee for a renewal or replacement of a card shall be Twenty-five Dollars ($25.00);

e. The fee for a card for a nonresident patient shall be Seventy-five Dollars ($75.00);

f. The qualifying patient registry identification card application fee for a Medicaid participant shall be Fifteen Dollars ($15.00) and the fee for a renewal of such card shall be Fifteen Dollars ($15.00); and

g. The application fee for a qualifying patient registry identification card for disabled veterans or disabled first responders shall be waived. A disabled veteran or first responder may prove their disability by providing written documentation from their practitioner attesting to their

debilitating medical condition, documentation from the Social Security Disability Office, or documentation that attests the applicant is a one-hundred percent (100%) disabled veteran as determined by the U.S. Department of Veteran Affairs and codified at 38 C.F.R., Section 3.340(a)(2013); and

2. The MDOH may accept donations from private sources to reduce the amount of the application and renewal fees;

(xxi) Any other rules and regulations necessary to implement and administer this chapter.

(2) The initial rules filed by the MDOH to implement the medical cannabis program in accordance with this chapter shall be effective immediately upon their filing.

SECTION 22. Public registry. (1) The MDOH and MDOR shall jointly create and maintain a public registry of medical cannabis establishments, which shall include, but shall not be limited to, the following information:

(a) The name of the establishment;

(b) The owner and, if applicable, the beneficial owner of the establishment;

(c) The physical address, including municipality and zip code, of the establishment;

(d) The mailing address, including municipality and zip code, of the establishment;

(e) The county in which the establishment is domiciled;

(f) The phone number of the establishment;

(g) The electronic mail address of the establishment;

(h) The license number of the establishment;

(i) The issuance date of the establishment's license;

(j) The expiration date of the establishment's license;

(k) The NAICS code of the establishment;

(l) Any changes to the license holder's status; and

(m) Any other information determined necessary by the MDOH and MDOR.

(2) The public registry shall not include personal information of an owner of a medical cannabis establishment.

(3) The public registry shall be maintained electronically and shall be easily accessible to the public.

SECTION 23. Violations. (1) It shall be unlawful for any person or entity to cultivate, process, transport, use, possess, purchase, sell or transfer cannabis except as authorized by this chapter.

(2) A cardholder or medical cannabis establishment that purposely or knowingly fails to provide a notice required by Section 16 of this act is guilty of a civil offense, punishable by a fine of no more than One Thousand Five Hundred Dollars ($1,500.00), which may be assessed and collected by the licensing agency.

(3) A medical cannabis establishment or an agent of a medical cannabis establishment that purposely, knowingly, or recklessly sells or otherwise transfers medical cannabis other

than to a cardholder, a nonresident cardholder, or to a medical cannabis establishment or its agent as authorized under this chapter is guilty of a felony punishable by a fine of not more than Ten Thousand Dollars ($10,000.00), or by commitment to the custody of the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection may not continue to be affiliated with the medical cannabis establishment and is disqualified from further participation in the medical cannabis program under this chapter.

(4) A cardholder or nonresident cardholder who purposely, knowingly, or recklessly sells or otherwise transfers medical cannabis to a person or other entity is guilty of a felony punishable by a fine of not more than Three Thousand Dollars ($3,000.00), or by commitment to the custody of the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection is disqualified from further participation in the medical cannabis program under this chapter.

(5) A person who purposely, knowingly, or recklessly makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), by imprisonment in the county jail for not more than ninety (90) days, or both. If a person convicted of violating this subsection

is a cardholder, the person is disqualified from further participation in the medical cannabis program under this chapter.

(6) A person who purposely submits false records or documentation for an application for a license for a medical cannabis establishment under this chapter is guilty of a felony punishable by a fine of not more than Five Thousand Dollars ($5,000.00), or by commitment to the custody of the Department of Corrections for not more than two (2) years, or both. A person convicted under this subsection may not continue to be affiliated with the medical cannabis establishment and is disqualified from further participation in the medical cannabis program under this chapter.

(7) A practitioner who purposely refers patients to a specific medical cannabis establishment or to a registered designated caregiver, who advertises in a medical cannabis establishment, or who issues written certifications while holding a financial interest in a medical cannabis establishment, is guilty of a civil offense for every false certification and shall be fined up to Five Thousand Dollars ($5,000.00) by the MDOH.

(8) Any person, including an employee or official of an agency or local government, who purposely, knowingly, or recklessly breaches the confidentiality of information obtained under this chapter is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), or by

imprisonment for not more than one hundred eighty (180) days in the county jail, or both.

(9) No person, other than a cannabis processing facility or its agents, complying with this chapter and the rules and regulations promulgated under it, may extract compounds from cannabis that involves a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, steam distillation, food-grade ethanol, or hydrocarbon-based solvent carbon dioxide. No person may extract compounds from cannabis using ethanol in the presence or vicinity of an open flame. It shall be a felony punishable by commitment to the custody of the Mississippi Department of Corrections for up to three (3) years and a Ten Thousand Dollar ($10,000.00) fine for any person to purposely, knowingly, or recklessly violate this subsection.

(10) A medical cannabis establishment is guilty of a civil offense for any purposeful, knowing or reckless violation of this chapter or the rules and regulations issued under this chapter where no penalty has been specified, and shall be fined not more than Five Thousand Dollars ($5,000.00) for each such violation by its licensing agency.

(11) The penalties provided for under this section are in addition to any other criminal, civil or administrative penalties provided for under law, rule or regulation.

(12) In addition to peace officers within their jurisdiction, all law enforcement officers of MDOH and MDOR may enforce the provisions made unlawful by this chapter.

SECTION 24. Fines, suspensions and revocations. (1) The licensing agency may fine, suspend or revoke a license at its discretion for a violation of this chapter or any rules and regulations under this chapter by the licensee or any of its employees or agents. If a licensee wishes to appeal this decision, the licensee shall file its administrative appeal within twenty (20) days of receipt of the initial notice. The licensing agency shall then conduct a hearing on the record pursuant to the licensing agency's rules and regulations governing such hearings, at which time the burden shall be on the licensee to prove that the agency's decision was:

(a) Unsupported by substantial evidence;

(b) Arbitrary or capricious;

(c) Beyond the power of the administrative agency to make; or

(d) Violated some statutory or constitutional right of the aggrieved party.

If the licensee fails to appeal the initial notice within the prescribed time, the decision becomes final and cannot be further appealed.

(2) The licensing agency shall provide its initial notice of suspension, revocation, fine or other sanction by personal

delivery or mailing by certified mail, signature required, to the medical cannabis establishment at the address on the registration certificate. A suspension shall not be for a longer period than six (6) months.

(3) A medical cannabis establishment may continue to possess and cultivate cannabis as otherwise authorized to do so under its license during a suspension, but it may not dispense, transfer or sell cannabis.

(4) The MDOH shall immediately revoke the registry identification card of any cardholder who sells or otherwise transfers medical cannabis to a person or other entity, and the cardholder shall be disqualified from further participation in the medical cannabis program under this chapter.

(5) Except as otherwise provided in subsection (4) of this section, the MDOH may revoke the registry identification card of any cardholder who knowingly commits a violation of this chapter.

(6) The hearing decision of the agency on a revocation, suspension or fine is a final decision of the applicable agency subject to judicial review in accordance with Section 31 of this act.

(7) No license issued by the MDOH or MDOR shall be transferred by the license holder to any other person or entity except with the written consent of the applicable licensing agency.

SECTION 25. Confidentiality. (1) Data in license and registration applications and supporting data submitted by registered qualifying patients, registered designated caregivers, medical cannabis establishments and nonresident cardholders, including data on registered designated caregivers and practitioners, shall be considered private data on individuals that is confidential and exempt from disclosure under the Mississippi Public Records Act of 1983, Sections 25-61-1 through 25-61-17.

(2) Data kept or maintained by an agency shall not be used for any purpose not provided for in this chapter and shall not be combined or linked in any manner with any other list or database.

(3) Data kept or maintained by an agency may be disclosed as necessary for:

(a) The verification of registration certificates and registry identification cards under this chapter;

(b) Submission of the annual report required by this chapter;

(c) Notification of state or local law enforcement of apparent criminal violations of this chapter;

(d) Notification of state and local law enforcement about falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card; or

(e) Notification of the State Board of Medical Licensure or other occupational or professional licensing board or

entity if there is reason to believe that a practitioner provided a written certification in violation of this chapter, or if the MDOH has reason to believe the practitioner otherwise violated the standard of care for evaluating medical conditions.

(4) Any information kept or maintained by medical cannabis establishments must identify cardholders by their registry identification numbers and must not contain names or other personally identifying information.

(5) At a cardholder's request, the MDOH may confirm the cardholder's status as a registered qualifying patient or a registered designated caregiver to a third party, such as a landlord, school, medical professional, or court.

(6) Any agency hard drives or other data-recording media that are no longer in use and that contain cardholder information shall be destroyed.

SECTION 26. Business expenses, deductions. Notwithstanding any federal tax law to the contrary, in computing net income for medical cannabis establishments, there shall be allowed as a deduction from income taxes imposed under Section 27-7-5, Mississippi Code of 1972, all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business as a medical cannabis establishment, including reasonable allowance for salaries or other compensation for personal services actually rendered.

SECTION 27. Banks to be held harmless. (1) A bank may provide any services to any person or entity licensed in this state to engage in the business of medical cannabis, or with any person or entity engaging in business dealings with such licensee, if the bank provides those services to any other business.

(2) A bank and its officers, directors, agents and employees shall not be held liable pursuant to any state law or regulation solely for:

(a) Providing financial services to a licensed medical cannabis establishment; or

(b) Investing any income derived from providing financial services to a licensed medical cannabis establishment.

(3) Nothing in this section shall require a bank to provide financial services to a licensed medical cannabis establishment.

SECTION 28. Not applicable to CBD solution. This chapter does not apply to or supersede any of the provisions of Section 41-29-136.

SECTION 29. Medical cannabis taxes. (1) (a) For purposes of this section:

(i) "Cannabis cultivation facility," "dispensary," "medical cannabis" and "medical cannabis establishments" shall be defined as provided in Section 2 of this act.

(ii) "Cannabis flower" means the flower, including abnormal and immature flowers, of a plant of the genus cannabis that has been harvested, dried and cured, and prior to any

processing whereby the flower material is transformed into a cannabis product. "Cannabis flower" does not include the leaves or stem of such plant or hemp.

(iii) "Cannabis trim" means all parts, including abnormal or immature parts, of a plant of the genus cannabis, other than cannabis flower, that have been harvested, dried and cured, and prior to any processing whereby the plant material is transformed into a cannabis product. "Cannabis trim" does not include hemp.

(2) (a) There is hereby imposed, levied and assessed an excise tax on medical cannabis cultivation facilities. A cannabis cultivation facility shall collect and remit an excise tax on forms and in a manner specified by the Commissioner of Revenue.

(b) The excise tax on cannabis cultivation facilities shall be based on the sales price for which a cannabis cultivation facility first sells cannabis flower or cannabis trim, as the case may be, to a medical cannabis establishment, and the rate of the excise tax shall be five percent (5%) of such sales price. However, if there is common ownership or other interest between the cannabis cultivation facility and the medical cannabis establishment to which the cannabis cultivation facility first sells or transfers the cannabis flower or cannabis trim, as the case may be, the excise tax shall be based on the fair market value of the cannabis flower or cannabis trim, as the case may be, at the time that the cannabis cultivation facility first sells or

transfers the cannabis flower or cannabis trim to the medical cannabis establishment, and the rate of the excise tax shall be five percent (5%) of such fair market value. The fair market value of cannabis flower and cannabis trim shall initially be determined by the MDOR not later than November 1, 2022. Beginning January 1, 2023, the MDOR shall recalculate and adjust the fair market value of cannabis flower and cannabis trim twice per calendar year on January 1 and July 1.

(c) The excise tax imposed by this subsection shall apply regardless of the ownership of the medical cannabis establishment to which the cannabis cultivation facility sells or transfers the cannabis flower or cannabis trim, as the case may be.

(d) All administrative provisions of the sales tax law and amendments thereto, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provision of said sales tax law, and all other requirements and duties imposed upon a taxpayer, shall apply to all persons liable for taxes under the provisions of this subsection. The commissioner shall exercise all power and authority and perform all duties with respect to taxpayers under this subsection as are provided in said sales tax law, except where there is conflict, then the provisions of this subsection shall control.

(e) All excise taxes collected under the provisions of this subsection shall be deposited into the State General Fund.

(3) A dispensary, on forms and in a manner specified by the Commissioner of Revenue, shall collect and remit the sales tax levied in Section 27-65-17(1)(a) from the gross proceeds derived from each retail sale of medical cannabis.

SECTION 30. Local government option. (1) The cultivation, processing, sale and distribution of medical cannabis and cannabis products, as performed in accordance to the provisions of this chapter, shall be legal in every county and municipality of this state unless a county or municipality opts out through a vote by the board of supervisors of the county or governing authorities of the municipality, as applicable, within ninety (90) days after the effective date of this act. The governing authorities of the municipality or the board of supervisors of the county, as applicable, shall provide a notice in accordance with the Open Meetings Act (Section 25-41-1 et seq.) of its intent of holding a vote regarding opting out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable. The governing authorities of the municipality or the board of supervisors of the county, as applicable, may opt out of allowing one or more of the following: cultivation, processing, sale or distribution of medical cannabis and cannabis products. The governing authorities of a municipality, by a vote entered upon their minutes, may opt out of

allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the municipality. The board of supervisors of a county, by a vote entered upon its minutes, may opt out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county.

(2) If the board of supervisors of a county or the governing authorities of a municipality do not opt out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, within ninety (90) days after the effective date of this act, then no vote by the board of supervisors or governing authorities, as applicable, may be held to so opt out, and the provisions of this chapter shall remain applicable and operative in the county or municipality, as applicable. If the board of supervisors of a county or governing authorities of a municipality have opted out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, then the board of supervisors or governing authorities of a municipality may later opt in regarding the same through a vote by the board of supervisors or governing authorities, as applicable, entered upon its or their minutes, or an election duly held according to subsection (3) or (4) of this section, as applicable.

(3) (a) Upon presentation and filing of a proper petition requesting that the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, be legal in the unincorporated areas of the county signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, shall be legal in the unincorporated areas of such county as provided in this chapter. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of the petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in the county or if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(b) The election shall be held and conducted as far as may be possible in the same manner as is provided by law for the

holding of general elections. The ballots used at the election shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of _____ [Name of County] ( )" or "I vote AGAINST allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of _____ [Name of County] ( )" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (√) mark opposite the words of their choice.

(c) The election commissioners shall canvass and determine the results of the election and shall certify the same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein vote in favor of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county, this chapter shall be applicable and operative in the unincorporated areas of such county, and the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county shall be lawful to the extent and in the manner permitted in this chapter.

If, on the other hand, a majority of the qualified electors participating in the election vote against allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, then it shall be illegal to cultivate, process, sell and/or distribute medical cannabis and cannabis products, as applicable, in the unincorporated areas of the county. In either case, no further election shall be held in the county under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as provided in this section.

(4) (a) Upon presentation and filing of a proper petition requesting that the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, be legal in the municipality signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the municipality, it shall be the duty of the governing authorities of the municipality to call an election at which there shall be submitted to the qualified electors of the municipality the question of whether or not the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, shall be legal in the municipality as provided in this chapter. Such election shall

be held and conducted on a date fixed by the order of the governing authorities of the municipality, which date shall not be more than sixty (60) days from the date of the filing of the petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in the municipality or if no newspaper be published therein, by such publication in a newspaper having a general circulation in the municipality involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(b) The election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of municipal elections. The ballots used at the election shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in _____ [Name of Municipality] ( )" or "I vote AGAINST allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, in _____ [Name of Municipality] ( )" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (√) mark opposite the words of their choice.

(c) The election commissioners shall canvass and determine the results of the election and shall certify the same to the governing authorities which shall adopt and spread upon their minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein vote in favor of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, this chapter shall be applicable and operative in such municipality and the cultivation, processing, sale, and/or distribution of medical cannabis and cannabis products, as applicable, therein shall be lawful to the extent and in the manner permitted in this chapter. If, on the other hand, a majority of the qualified electors participating in the election vote against allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, as applicable, then it shall be illegal to cultivate, process, sell and/or distribute medical cannabis and cannabis products, as applicable, in the municipality. In either case, no further election shall be held in the municipality under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the municipality as provided in this section.

(5) Regardless of whether a county or municipality opts out of allowing the cultivation, processing, sale and/or distribution of medical cannabis and cannabis products, cardholders, cannabis testing facilities, cannabis research facilities, cannabis transportation entities and cannabis disposal entities may possess medical cannabis in the municipality or county if done in accordance with this chapter.

(6) (a) If a municipality that has opted out under this section annexes a geographic area which contains a licensed entity operating under the provisions of this chapter, then the licensed entity may continue its operation in that municipality's newly annexed geographic area.

(b) If a licensed entity operating under the provisions of this chapter is located in a municipality that contracts its corporate boundaries thereby causing the geographic area in which the licensed entity is located to no longer be in the municipality and instead in an unincorporated area of a county that has opted out under this section, then the licensed entity may continue its operation in that area of the county.

SECTION 31. Judicial review. (1) Any person or entity aggrieved by a final decision or order of an agency under the provisions of this chapter may petition for judicial review of the final decision or order.

(2) (a) The petition shall be filed within twenty (20) days after the issuance of the agency's final decision or order. The

petition shall be filed in the circuit court of the county in which the appellant resides. If the appellant is a nonresident of this state, the appeal shall be made to the Circuit Court of the First Judicial District of Hinds County, Mississippi.

(b) Any person or entity aggrieved by the decision of the circuit court may appeal to the Mississippi Supreme Court.

SECTION 32. Fees and fines allocation. All fees and fines collected by the MDOR and MDOH according to the provisions of this chapter shall be deposited into the State General Fund.

SECTION 33. Medical Cannabis Advisory Committee. (1) (a) There is established a Medical Cannabis Advisory Committee, which shall be the committee that is required to advise the Legislature about medical cannabis and cannabis product, patient care, services and industry.

(b) The advisory committee shall consist of nine (9) members, as follows:

(i) The Governor shall appoint three (3) members to the committee, as follows:

1. One (1) representative from the MDOH;

2. One (1) registered qualifying patient; and

3. One (1) physician with experience in medical cannabis issues;

(ii) The Lieutenant Governor shall appoint three (3) members, as follows:

1. One (1) owner or agent of a medical cannabis cultivation facility;

2. One (1) representative from the MDOH; and

3. One (1) qualified certified nurse practitioner, physician assistant or optometrist;

(iii) The Speaker of the House shall appoint three (3) members, as follows:

1. One (1) owner or agent of a medical cannabis processing facility;

2. One (1) owner or agent of a medical cannabis dispensary; and

3. One (1) representative from the MDOR.

(c) The advisory committee shall meet at least two (2) times per year for the purpose of evaluating and making recommendations to the Legislature and the MDOH and MDOR regarding:

(i) The ability of qualifying patients in all areas of the state to obtain timely access to high-quality medical cannabis;

(ii) The effectiveness of the medical cannabis establishments in serving the needs of registered qualifying patients, including the provision of educational and support services by dispensaries, the reasonableness of their prices, security issues, and the sufficiency of the number operating to serve the state's registered qualifying patients;

(iii) The effectiveness of the cannabis testing facilities, including whether a sufficient number are operating;

(iv) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the MDOH to ensure that access to and use of cannabis cultivated is provided only to cardholders;

(v) Any recommended additions or revisions to the MDOH and MDOR rules and regulations or this chapter, including relating to security, safe handling, labeling, nomenclature, and whether additional types of licenses should be made available; and

(vi) Any research studies regarding health effects of medical cannabis for patients.

(d) The advisory committee shall accept public comment in writing and in-person at least once per year. The advisory committee shall meet at least two (2) times per year and advisory committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(e) The chairman of the advisory committee shall be elected by the voting members of the committee annually and shall not serve more than two (2) consecutive years as chairman.

(f) The members of the advisory committee specified in paragraph (b) of this subsection shall serve for terms that are concurrent with the terms of members of the Legislature, and any member appointed under paragraph (b) may be reappointed to the advisory committee. The members of the advisory committee

specified in paragraph (b) shall serve without compensation, but shall receive reimbursement to defray actual expenses incurred in the performance of committee business as authorized by law.

(2) This section shall stand repealed on December 31, 2025.

SECTION 34. Section 25-53-5, Mississippi Code of 1972, is amended as follows:

25-53-5. The authority shall have the following powers, duties, and responsibilities:

(a) (i) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS' staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes. Pursuant to Section 25-53-1, the provisions of this section shall not apply to the Department of Human Services for a period of three (3) years beginning on July 1, 2017. Pursuant to Section 25-53-1, the provisions of this section shall not apply to the Department of Child Protection Services for a period of three (3) years beginning July 1, 2017.

(ii) [Repealed]

(b) The authority shall immediately institute procedures for carrying out the purposes of this chapter and supervise the efficient execution of the powers and duties of the office of executive director of the authority. In the execution of its functions under this chapter, the authority shall maintain as a paramount consideration the successful internal organization and operation of the several agencies so that efficiency existing therein shall not be adversely affected or impaired. In executing its functions in relation to the institutions of higher learning and junior colleges in the state, the authority shall take into consideration the special needs of such institutions in relation to the fields of teaching and scientific research.

(c) Title of whatever nature of all computer equipment now vested in any agency of the State of Mississippi is hereby vested in the authority, and no such equipment shall be disposed of in any manner except in accordance with the direction of the authority or under the provisions of such rules and regulations as may hereafter be adopted by the authority in relation thereto.

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and telecommunications equipment and services which shall, to the fullest extent practicable, insure the maximum of competition between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in

the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the use of common computer languages where necessary to accomplish the purposes of this chapter. The authority may establish by regulation and charge reasonable fees on a nondiscriminatory basis for the furnishing to bidders of copies of bid specifications and other documents issued by the authority.

(e) The authority shall adopt rules and regulations governing the sharing with, or the sale or lease of information technology services to any nonstate agency or person. Such regulations shall provide that any such sharing, sale or lease shall be restricted in that same shall be accomplished only where such services are not readily available otherwise within the state, and then only at a charge to the user not less than the prevailing rate of charge for similar services by private enterprise within this state.

(f) The authority may, in its discretion, establish a special technical advisory committee or committees to study and make recommendations on technology matters within the competence of the authority as the authority may see fit. Persons serving on the Information Resource Council, its task forces, or any such technical advisory committees shall be entitled to receive their actual and necessary expenses actually incurred in the performance of such duties, together with mileage as provided by law for state

employees, provided the same has been authorized by a resolution duly adopted by the authority and entered on its minutes prior to the performance of such duties.

(g) The authority may provide for the development and require the adoption of standardized computer programs and may provide for the dissemination of information to and the establishment of training programs for the personnel of the various information technology centers of state agencies and personnel of the agencies utilizing the services thereof.

(h) The authority shall adopt reasonable rules and regulations requiring the reporting to the authority through the office of executive director of such information as may be required for carrying out the purposes of this chapter and may also establish such reasonable procedures to be followed in the presentation of bills for payment under the terms of all contracts for the acquisition of computer equipment and services now or hereafter in force as may be required by the authority or by the executive director in the execution of their powers and duties.

(i) The authority shall require such adequate documentation of information technology procedures utilized by the various state agencies and may require the establishment of such organizational structures within state agencies relating to information technology operations as may be necessary to effectuate the purposes of this chapter.

(j) The authority may adopt such further reasonable rules and regulations as may be necessary to fully implement the purposes of this chapter. All rules and regulations adopted by the authority shall be published and disseminated in readily accessible form to all affected state agencies, and to all current suppliers of computer equipment and services to the state, and to all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of the proposed rules and regulations have been furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment or services to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.

(l) The authority is authorized to purchase, lease, or rent computer equipment or services and to operate that equipment and use those services in providing services to one or more state agencies when in its opinion such operation will provide maximum efficiency and economy in the functions of any such agency or agencies.

(m) Upon the request of the governing body of a political subdivision or instrumentality, the authority shall assist the political subdivision or instrumentality in its development of plans for the efficient acquisition and utilization of computer equipment and services. An appropriate fee shall be charged the political subdivision by the authority for such assistance.

(n) The authority shall adopt rules and regulations governing the protest procedures to be followed by any actual or prospective bidder, offerer or contractor who is aggrieved in connection with the solicitation or award of a contract for the acquisition of computer equipment or services. Such rules and regulations shall prescribe the manner, time and procedure for making protests and may provide that a protest not timely filed shall be summarily denied. The authority may require the protesting party, at the time of filing the protest, to post a bond, payable to the state, in an amount that the authority determines sufficient to cover any expense or loss incurred by the state, the authority or any state agency as a result of the

protest if the protest subsequently is determined by a court of competent jurisdiction to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious; however, in no event may the amount of the bond required exceed a reasonable estimate of the total project cost. The authority, in its discretion, also may prohibit any prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

(o) The authority shall make a report in writing to the Legislature each year in the month of January. Such report shall contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if

all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so long as the total cost to the State of Mississippi does not exceed the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best. Through December 31, 2022, the provisions of this paragraph shall not apply to acquisitions of information technology equipment and services made by the Mississippi Department of Health and/or the Mississippi Department of Revenue for the purposes of implementing, administering and/or enforcing the provisions of the Mississippi Medical Cannabis Act.

(p) When applicable, the authority may procure equipment, systems and related services in accordance with the law or regulations, or both, which govern the Bureau of Purchasing of the Office of General Services or which govern the Mississippi Department of Information Technology Services procurement of telecommunications equipment, software and services.

(q) The authority is authorized to purchase, lease, or rent information technology and services for the purpose of establishing pilot projects to investigate emerging technologies. These acquisitions shall be limited to new technologies and shall be limited to an amount set by annual appropriation of the

Legislature. These acquisitions shall be exempt from the advertising and bidding requirement.

(r) All fees collected by the Mississippi Department of Information Technology Services shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature.

(s) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition, the authority is responsible for development, operation and maintenance of a delivery system infrastructure for geographic information systems data. The authority shall provide a warehouse for Mississippi's geographic information systems data.

(t) The authority shall manage one or more State Data Centers to provide information technology services on a cost-sharing basis. In determining the appropriate services to be provided through the State Data Center, the authority should consider those services that:

(i) Result in savings to the state as a whole;

(ii) Improve and enhance the security and reliability of the state's information and business systems; and

(iii) Optimize the efficient use of the state's information technology assets, including, but not limited to, promoting partnerships with the state institutions of higher

learning and community colleges to capitalize on advanced information technology resources.

(u) The authority shall increase federal participation in the cost of the State Data Center to the extent provided by law and its shared technology infrastructure through providing such shared services to agencies that receive federal funds. With regard to state institutions of higher learning and community colleges, the authority may provide shared services when mutually agreeable, following a determination by both the authority and the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, as the case may be, that the sharing of services is mutually beneficial.

(v) The authority, in its discretion, may require new or replacement agency business applications to be hosted at the State Data Center. With regard to state institutions of higher learning and community colleges, the authority and the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, as the case may be, may agree that institutions of higher learning or community colleges may utilize business applications that are hosted at the State Data Center, following a determination by both the authority and the applicable board that the hosting of those applications is mutually beneficial. In addition, the authority may establish partnerships to capitalize on the advanced technology resources of the Board of Trustees of State Institutions of Higher Learning or

the Mississippi Community College Board, following a determination by both the authority and the applicable board that such a partnership is mutually beneficial.

(w) The authority shall provide a periodic update regarding reform-based information technology initiatives to the Chairmen of the House and Senate Accountability, Efficiency and Transparency Committees.

From and after July 1, 2018, the expenses of this agency shall be defrayed by appropriation from the State General Fund. In addition, in order to receive the maximum use and benefit from information technology and services, expenses for the provision of statewide shared services that facilitate cost-effective information processing and telecommunication solutions shall be defrayed by pass-through funding and shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature. These funds shall only be utilized to pay the actual costs incurred by the Mississippi Department of Information Technology Services for providing these shared services to state agencies. Furthermore, state agencies shall work in full cooperation with the Board of the Mississippi Department of Information Technology Services to identify computer equipment or services to minimize duplication, reduce costs, and improve the efficiency of providing common technology services across agency boundaries.

SECTION 35. Section 27-104-203, Mississippi Code of 1972, is amended as follows:

27-104-203. * * * From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent, audit fee, personnel fee or other charge for services or resources received. The provisions of this section shall not apply (a) to grants, contracts, pass-through funds, project fees or other charges for services between state agencies and the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education, nor (b) to charges for services between the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education, nor (c) to federal grants, pass-through funds, cost allocation charges, surplus property charges or project fees between state agencies as approved or determined by the State Fiscal Officer, nor (d) telecommunications, data center services, and/or other information technology services that are used on an as-needed basis and those costs shall be passed through to the using agency, nor (e) to federal grants, special funds, or pass-through funds, available for payment by state agencies to the Department of Finance and Administration related to Mississippi Management and Reporting Systems (MMRS) Statewide Application

charges and utilities as approved or determined by the State Fiscal Officer, nor (f) * * * to grants, contracts, pass-through funds, project fees or charges for services between the State Department of Health and the State Department of Revenue, and other state agencies or entities, including, but not limited to, the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education, for the operation of the * * * medical * * * cannabis program as established by * * * the Mississippi Medical Cannabis Act. The Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education shall retain the authority to charge and be charged for expenditures that they deemed nonrecurring in nature by the State Fiscal Officer.

* * *

SECTION 36. Section 17-1-3, Mississippi Code of 1972, is brought forward as follows:

17-1-3. (1) Except as otherwise provided in Section 17-1-21(2) and in Article VII of the Chickasaw Trail Economic Development Compact described in Section 57-36-1, for the purpose of promoting health, safety, morals, or the general welfare of the community, the governing authority of any municipality, and, with respect to the unincorporated part of any county, the governing

authority of any county, in its discretion, are empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required with reference to land used for agricultural purposes, including forestry activities as defined in Section 95-3-29(2)(b), or for the erection, maintenance, repair or extension of farm buildings or farm structures, including forestry buildings and structures, outside the corporate limits of municipalities. The governing authority of each county and municipality may create playgrounds and public parks, and for these purposes, each of such governing authorities shall possess the power, where requisite, of eminent domain and the right to apply public money thereto, and may issue bonds therefor as otherwise permitted by law.

(2) Local land use regulation ordinances involving the placement, screening, or height of amateur radio antenna structures must reasonably accommodate amateur communications and must constitute the minimum practicable regulation to accomplish local authorities' legitimate purposes of addressing health, safety, welfare and aesthetic considerations. Judgments as to the types of reasonable accommodation to be made and the minimum practicable regulation necessary to address these purposes will be

determined by local governing authorities within the parameters of the law. This legislation supports the amateur radio service in preparing for and providing emergency communications for the State of Mississippi and local emergency management agencies.

SECTION 37. Section 19-5-9, Mississippi Code of 1972, is brought forward as follows:

19-5-9. The construction codes published by a nationally recognized code group which sets minimum standards and has the proper provisions to maintain up-to-date amendments are adopted as minimum standard guides for building, plumbing, electrical, gas, sanitary, and other related codes in Mississippi. Any county within the State of Mississippi, in the discretion of the board of supervisors, may adopt building codes, plumbing codes, electrical codes, sanitary codes, or other related codes dealing with general public health, safety or welfare, or a combination of the same, within but not exceeding the provisions of the construction codes published by nationally recognized code groups, by order or resolution in the manner prescribed in this section, but those codes so adopted shall apply only to the unincorporated areas of the county. However, those codes shall not apply to the erection, maintenance, repair or extension of farm buildings or farm structures, except as may be required under the terms of the "Flood Disaster Protection Act of 1973," and shall apply to a master planned community as defined in Section 19-5-10 only to the extent allowed in Section 19-5-10. The provisions of this section

shall not be construed to authorize the adoption of any code which applies to the installation, repair or maintenance of electric wires, pipelines, apparatus, equipment or devices by or for a utility rendering public utility services, required by it to be utilized in the rendition of its duly authorized service to the public. Before any such code shall be adopted, it shall be either printed or typewritten and shall be presented in pamphlet form to the board of supervisors at a regular meeting. The order or resolution adopting the code shall not set out the code in full, but shall merely identify the same. The vote or passage of the order or resolution shall be the same as on any other order or resolution. After its adoption, the code or codes shall be certified to by the president and clerk of the board of supervisors and shall be filed as a permanent record in the office of the clerk who shall not be required to transcribe and record the same in the minute book as other orders and resolutions.

If the board of supervisors of any county adopts or has adopted construction codes which do not have proper provisions to maintain up-to-date amendments, specifications in such codes for cements used in portland cement concrete shall be superseded by nationally recognized specifications referenced in any code adopted by the Mississippi Building Code Council.

All provisions of this section shall apply to amendments and revisions of the codes mentioned in this section. The provisions of this section shall be in addition and supplemental to any

existing laws authorizing the adoption, amendment or revision of county orders, resolutions or codes.

Any code adopted under the provisions of this section shall not be in operation or force until sixty (60) days have elapsed from the adoption of same; however, any code adopted for the immediate preservation of the public health, safety and general welfare may be effective from and after its adoption by a unanimous vote of the members of the board. Within five (5) days after the adoption or passage of an order or resolution adopting that code or codes the clerk of the board of supervisors shall publish in a legal newspaper published in the county the full text of the order or resolution adopting and approving the code, and the publication shall be inserted at least three (3) times, and shall be completed within thirty (30) days after the passage of the order or resolution.

Any person or persons objecting to the code or codes may object in writing to the provisions of the code or codes within sixty (60) days after the passage of the order or resolution approving same, and if the board of supervisors adjudicates that ten percent (10%) or more of the qualified electors residing in the affected unincorporated areas of the county have objected in writing to the code or codes, then in such event the code shall be inoperative and not in effect unless adopted for the immediate preservation of the public health, safety and general welfare until approved by a special election called by the board of

supervisors as other special elections are called and conducted by the election commissioners of the county as other special elections are conducted, the special election to be participated in by all the qualified electors of the county residing in the unincorporated areas of the county. If the voters approve the code or codes in the special election it shall be in force and in operation thereafter until amended or modified as provided in this section. If the majority of the qualified electors voting in the special election vote against the code or codes, then, in such event, the code or codes shall be void and of no force and effect, and no other code or codes dealing with that subject shall be adopted under the provisions of this section until at least two (2) years thereafter.

After any such code shall take effect the board of supervisors is authorized to employ such directors and other personnel as the board, in its discretion, deems necessary and to expend general county funds or any other funds available to the board to fulfill the purposes of this section.

For the purpose of promoting health, safety, morals or the general welfare of the community, the governing authority of any municipality, and, with respect to the unincorporated part of any county, the governing authority of any county, in its discretion, is empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the

density or population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required except as may be required under the terms of the "Flood Disaster Protection Act of 1973" for the erection, maintenance, repair or extension of farm buildings or farm structures outside the corporate limits of municipalities.

The authority granted in this section is cumulative and supplemental to any other authority granted by law.

Notwithstanding any provision of this section to the contrary, any code adopted by a county before or after April 12, 2001, is subject to the provisions of Section 41-26-14(10).

Notwithstanding any provision of this section to the contrary, the Boards of Supervisors of Jackson, Harrison, Hancock, Stone and Pearl River Counties shall enforce the requirements imposed under Section 17-2-1 as provided in such section.

SECTION 38. Section 25-43-1.103, Mississippi Code of 1972, is brought forward as follows:

25-43-1.103. (1) This chapter applies to all agencies and all proceedings not expressly exempted under this chapter.

(2) This chapter creates only procedural rights and imposes only procedural duties. They are in addition to those created and imposed by other statutes.

(3) Specific statutory provisions which govern agency proceedings and which are in conflict with any of the provisions

of this chapter shall continue to be applied to all proceedings of any such agency to the extent of such conflict only.

(4) The provisions of this chapter shall not be construed to amend, repeal or supersede the provisions of any other law; and, to the extent that the provisions of any other law conflict or are inconsistent with the provisions of this chapter, the provisions of such other law shall govern and control.

(5) An agency may grant procedural rights to persons in addition to those conferred by this chapter so long as rights conferred upon other persons by any provision of law are not substantially prejudiced.

SECTION 39. Section 25-43-2.101, Mississippi Code of 1972, is brought forward as follows:

25-43-2.101. (1) Subject to the provisions of this chapter, the Secretary of State shall prescribe a uniform numbering system, form, style and transmitting format for all proposed and adopted rules caused to be published by him and, with prior approval of each respective agency involved, may edit rules for publication and codification without changing the meaning or effect of any rule.

(2) The Secretary of State shall cause an administrative bulletin to be published in a format and at such regular intervals as the Secretary of State shall prescribe by rule. Upon proper filing of proposed rules, the Secretary of State shall publish

them in the administrative bulletin as expeditiously as possible. The administrative bulletin must contain:

(a) Notices of proposed rule adoption prepared so that the text of the proposed rule shows the text of any existing rule proposed to be changed and the change proposed;

(b) Any other notices and materials designated by law for publication therein; and

(c) An index to its contents by subject.

(3) The Secretary of State shall cause an administrative bulletin to be published in a format and at such regular intervals as the Secretary of State shall prescribe by rule. Upon proper filing of newly adopted rules, the Secretary of State shall publish them as expeditiously as possible. The administrative bulletin must contain:

(a) Newly filed adopted rules prepared so that the text shows the text of any existing rule being changed and the change being made;

(b) Any other notices and materials designated by law for publication therein; and

(c) An index to its contents by subject.

(4) The Secretary of State retains the authority to reject proposed and newly adopted rules not properly filed in accordance with the Secretary of State's rules prescribing the numbering system, form, style or transmitting format for such filings. The Secretary of State shall not be empowered to reject filings for

reasons of the substance or content or any proposed or newly adopted rule. The Secretary of State shall notify the agency of its rejection of a proposed or newly adopted rule as expeditiously as possible and accompany such notification with a stated reason for the rejection. A rejected filing of a proposed or newly adopted rule does not constitute filing pursuant to Section 25-43-3.101 et seq. of this chapter.

(5) (a) The Secretary of State shall cause an administrative code to be compiled, indexed by subject and published in a format prescribed by the Secretary of State by rule. All of the effective rules of each agency must be published and indexed in that publication. The Secretary of State shall also cause supplements to the administrative code to be published in a format and at such regular intervals as the Secretary of State shall prescribe by rule.

(b) The Joint Legislative Committee on Compilation, Revision and Publication of Legislation is hereby authorized to contract with a reputable and competent publishing company on such terms and conditions and at such prices as may be deemed proper to digest, compile, annotate, index and publish the state agency rules and regulations.

(6) (a) Copyrights of the Mississippi Administrative Code, including, but not limited to, cross references, tables of cases, notes of decisions, tables of contents, indices, source notes, authority notes, numerical lists and codification guides, other

than the actual text of rules or regulations, shall be taken by and in the name of the publishers of said compilation. Such publishers shall thereafter promptly assign the same to the State of Mississippi and said copyright shall be owned by the state.

(b) Any information appearing on the same leaf with the text of any rule or regulation may be incidentally reproduced in connection with the reproduction of such rule or regulation, if such reproduction is for private use and not for resale.

(7) The Secretary of State may omit from the administrative bulletin or code any proposed or filed adopted rule, the publication in hard copy of which would be unduly cumbersome, expensive or otherwise inexpedient, if:

(a) Knowledge of the rule is likely to be important to only a small class of persons;

(b) On application to the issuing agency, the proposed or adopted rule in printed or processed form is made available at no more than its cost of reproduction; and

(c) The administrative bulletin or code contains a notice stating in detail the specific subject matter of the omitted proposed or adopted rule and how a copy of the omitted material may be obtained.

(8) The administrative bulletin and administrative code with supplements must be furnished to designated officials without charge and to all subscribers at a reasonable cost to be determined by the Secretary of State. Each agency shall also make

available for public inspection and copying those portions of the administrative bulletin and administrative code containing all rules adopted or used by the agency in the discharge of its functions, and the index to those rules.

SECTION 40. Section 25-43-3.102, Mississippi Code of 1972, is brought forward as follows:

25-43-3.102. (1) Each agency shall maintain a current, public rule-making docket.

(2) The rule-making docket may, but need not, contain a listing of the subject matter of possible rules currently under active consideration within the agency for proposal under Section 25-43-3.103 and the name and address of agency personnel with whom persons may communicate with respect to the matter.

(3) The rule-making docket must list each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced, by proper filing with the Secretary of State of a notice of proposed rule adoption, to the time it is terminated by the filing with the Secretary of State of a notice of termination or the rule becoming effective. For each pending rule-making proceeding, the docket must indicate:

(a) The subject matter of the proposed rule;

(b) A citation to all published notices relating to the proceeding;

(c) Where written submissions or written requests for an opportunity to make oral presentations on the proposed rule may be inspected;

(d) The time during which written submissions may be made;

(e) If applicable, where and when oral presentations may be made;

(f) Where any economic impact statement and written requests for the issuance of and other information concerning an economic impact statement of the proposed rule may be inspected;

(g) The current status of the proposed rule;

(h) The date of the rule's adoption; and

(i) When the rule will become effective.

SECTION 41. Section 25-43-3.103, Mississippi Code of 1972, is brought forward as follows:

25-43-3.103. (1) At least twenty-five (25) days before the adoption of a rule an agency shall cause notice of its contemplated action to be properly filed with the Secretary of State for publication in the administrative bulletin. The notice of proposed rule adoption must include:

(a) A short explanation of the purpose of the proposed rule and the agency's reasons for proposing the rule;

(b) The specific legal authority authorizing the promulgation of rules;

(c) A reference to all rules repealed, amended or suspended by the proposed rule;

(d) Subject to Section 25-43-2.101(5), the text of the proposed rule;

(e) Where, when and how persons may present their views on the proposed rule; and

(f) Where, when and how persons may demand an oral proceeding on the proposed rule if the notice does not already provide for one.

(2) Within three (3) days after its proper filing with the Secretary of State for publication in the administrative bulletin, the agency shall cause a copy of the notice of proposed rule adoption to be provided to each person who has made a timely request to the agency to be placed on the mailing list maintained by the agency of persons who have requested notices of proposed rule adoptions. An agency may mail the copy to the person and may charge the person a reasonable fee for such service, which fee may be in excess of the actual cost of providing the person with a mailed copy. Alternatively, the agency may provide the copy via the Internet or by transmitting it to the person by electronic means, including, but not limited to, facsimile transfer or e-mail at no charge to the person, if the person consents to this form of delivery.

SECTION 42. Section 25-43-3.104, Mississippi Code of 1972, is brought forward as follows:

25-43-3.104. (1) For at least twenty-five (25) days after proper filing with the Secretary of State of the notice of proposed rule adoption, an agency shall afford persons the opportunity to submit, in writing, argument, data and views on the proposed rule.

(2) (a) An agency, in its discretion, may schedule an oral proceeding on any proposed rule. However, an agency shall schedule an oral proceeding on a proposed rule if, within twenty (20) days after the proper filing of the notice of proposed rule adoption, a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. At that proceeding, persons may present oral or written argument, data and views on the proposed rule.

(b) An oral proceeding on a proposed rule, if required, may not be held earlier than twenty (20) days after notice of its location and time is properly filed with the Secretary of State for publication in the administrative bulletin. Within three (3) days after its proper filing with the Secretary of State for publication in the administrative bulletin, the agency shall cause a copy of the notice of the location and time of the oral proceeding to be mailed to each person who has made a timely request to the agency to be placed on the mailing list maintained by the agency of persons who have requested notices of proposed rule adoptions.

(c) The agency, a member of the agency, or another presiding officer designated by the agency shall preside at a required oral proceeding on a proposed rule. Oral proceedings must be open to the public and may be recorded by stenographic or other means.

(d) An agency may issue rules for the conduct of oral rule-making proceedings or prepare reasonable guidelines or procedures for the conduct of any such proceedings. Those rules may include, but not be limited to, provisions calculated to prevent undue repetition in the oral proceedings.

SECTION 43. Section 25-43-3.105, Mississippi Code of 1972, is brought forward as follows:

25-43-3.105. (1) Prior to giving the notice required in Section 25-43-3.103, each agency proposing the adoption of a rule or significant amendment of an existing rule imposing a duty, responsibility or requirement on any person shall consider the economic impact the rule will have on the citizens of our state and the benefits the rule will cause to accrue to those citizens. For purposes of this section, a "significant amendment" means any amendment to a rule for which the total aggregate cost to all persons required to comply with that rule exceeds One Hundred Thousand Dollars ($100,000.00).

(2) Each agency shall prepare a written report providing an economic impact statement for the adoption of a rule or significant amendment to an existing rule imposing a duty,

responsibility or requirement on any person, except as provided in subsection (7) of this section. The economic impact statement shall include the following:

(a) A description of the need for and the benefits which will likely accrue as the result of the proposed action;

(b) An estimate of the cost to the agency, and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues;

(c) An estimate of the cost or economic benefit to all persons directly affected by the proposed action;

(d) An analysis of the impact of the proposed rule on small business;

(e) A comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule;

(f) A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law;

(g) A description of reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency and a statement of reasons for rejecting those alternatives in favor of the proposed rule; and

(h) A detailed statement of the data and methodology used in making estimates required by this subsection.

(3) No rule or regulation shall be declared invalid based on a challenge to the economic impact statement for the rule unless the issue is raised in the agency proceeding. No person shall have standing to challenge a rule, based upon the economic impact statement or lack thereof, unless that person provided the agency with information sufficient to make the agency aware of specific concerns regarding the statement in an oral proceeding or in written comments regarding the rule. The grounds for invalidation of an agency action, based upon the economic impact statement, are limited to the agency's failure to adhere to the procedure for preparation of the economic impact statement as provided in this section, or the agency's failure to consider information submitted to the agency regarding specific concerns about the statement, if that failure substantially impairs the fairness of the rule-making proceeding.

(4) A concise summary of the economic impact statement must be properly filed with the Secretary of State for publication in the administrative bulletin and the period during which persons may make written submissions on the proposed rule shall not expire until at least twenty (20) days after the date of such proper filing.

(5) The properly filed summary of the economic impact statement must also indicate where persons may obtain copies of

the full text of the economic impact statement and where, when and how persons may present their views on the proposed rule and demand an oral proceeding on the proposed rule if one is not already provided.

(6) If the agency has made a good-faith effort to comply with the requirements of subsections (1) and (2) of this section, the rule may not be invalidated on the ground that the contents of the economic impact statement are insufficient or inaccurate.

(7) This section does not apply to the adoption of:

(a) Any rule which is required by the federal government pursuant to a state/federal program delegation agreement or contract;

(b) Any rule which is expressly required by state law; and

(c) A temporary rule adopted pursuant to Section 25-43-3.108.

SECTION 44. Section 25-43-3.106, Mississippi Code of 1972, is brought forward as follows:

25-43-3.106. (1) An agency may not adopt a rule until the period for making written submissions and oral presentations has expired.

(2) Following the proper filing with the Secretary of State of the notice of proposed rule adoption, an agency shall adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by proper filing with the Secretary of State of a

notice to that effect for publication in the administrative bulletin.

(3) Before the adoption of a rule, an agency shall consider the written submissions, oral submissions or any memorandum summarizing oral submissions, and any economic impact statement, provided for by this Article III.

(4) Within the scope of its delegated authority, an agency may use its own experience, technical competence, specialized knowledge and judgment in the adoption of a rule.

SECTION 45. Section 25-43-3.107, Mississippi Code of 1972, is brought forward as follows:

25-43-3.107. (1) An agency shall not adopt a rule that differs from the rule proposed in the notice of proposed rule adoption on which the rule is based unless all of the following apply:

(a) The differences are within the scope of the matter announced in the notice of proposed rule adoption and are in character with the issues raised in that notice;

(b) The differences are a logical outgrowth of the contents of that notice of proposed rule adoption and the comments submitted in response thereto; and

(c) The notice of proposed rule adoption provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(2) In determining whether the notice of proposed rule adoption provided fair warning that the outcome of that rulemaking proceeding could be the rule in question, an agency shall consider all of the following factors:

(a) The extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(b) The extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of proposed rule adoption; and

(c) The extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of proposed rule adoption.

SECTION 46. Section 25-43-3.108, Mississippi Code of 1972, is amended as follows:

25-43-3.108. If an agency finds that an imminent peril to the public health, safety or welfare requires adoption of a rule upon fewer than twenty-five (25) days' notice and states in writing its reasons for that finding, it may proceed without prior notice of hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule. The rule may be effective for a period of not longer than one hundred twenty (120) days, renewable once for a period not exceeding ninety (90) days,

but the adoption of an identical rule under * * * this Article III is not precluded.

SECTION 47. Section 25-43-3.109, Mississippi Code of 1972, is brought forward as follows:

25-43-3.109. (1) Each rule adopted by an agency must contain the text of the rule and:

(a) The date the agency adopted the rule;

(b) An indication of any change between the text of the proposed rule contained in the published notice of proposed rule adoption and the text of the rule as finally adopted, with the reasons for any substantive change;

(c) Any changes to the information contained in the notice of proposed rule adoption as required by subsection (1)(a), (b) or (c) of Section 25-43-3.103;

(d) Any findings required by any provision of law as a prerequisite to adoption or effectiveness of the rule; and

(e) The effective date of the rule if other than that specified in Section 25-43-3.113(1).

(2) To the extent feasible, each rule should be written in clear and concise language understandable to persons who may be affected by it.

(3) An agency may incorporate, by reference in its rules and without publishing the incorporated matter in full, all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States or of this state, another state

or by a nationally recognized organization or association, if incorporation of its text in agency rules would be unduly cumbersome, expensive or otherwise inexpedient. The reference in the agency rules must fully identify the incorporated matter with an appropriate citation. An agency may incorporate by reference such matter in its rules only if the agency, organization or association originally issuing that matter makes copies of it readily available to the public. The rules must state if copies of the incorporated matter are available from the agency issuing the rule or where copies of the incorporated matter are available from the agency of the United States, this state, another state or the organization or association originally issuing that matter.

(4) In preparing its rules pursuant to this Article III, each agency shall follow the uniform numbering system, form and style prescribed by the Secretary of State.

SECTION 48. Section 25-43-3.110, Mississippi Code of 1972, is brought forward as follows:

25-43-3.110. (1) An agency shall maintain an official rule-making record for each rule it (a) proposes or (b) adopts. The agency has the exclusive authority to prepare and exclusive authority to certify the record or any part thereof, including, but not limited to, any transcript of the proceedings, and the agency's certificate shall be accepted by the court and by any other agency. The record must be available for public inspection.

(2) The agency rule-making record must contain:

(a) Copies of all notices of proposed rule-making or oral proceedings or other publications in the administrative bulletin with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding upon which the rule is based;

(c) All written requests, submissions and comments received by the agency and all other written materials considered by the agency in connection with the formulation, proposal or adoption of the rule or the proceeding upon which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding upon which the rule is based or, if not transcribed, any tape recording or stenographic record of those presentations, and any memorandum prepared by a presiding official summarizing the contents of those presentations. The word "transcript" includes a written transcript, a printed transcript, an audible audiotape or videotape that is indexed and annotated so that it is readily accessible and any other means that the agency may have by rule provided for the reliable and accessible preservation of the proceeding;

(e) A copy of any economic impact statement prepared for the proceeding upon which the rule is based; and

(f) A copy of the rule and related information set out in Section 25-43-3.109 as filed in the Office of the Secretary of State.

(3) The agency shall have authority to engage such persons and acquire such equipment as may be reasonably necessary to record and preserve in any technically and practicably feasible manner all matters and all proceedings had at any rule-making proceeding.

(4) Upon judicial review, the record required by this section constitutes the official agency rule-making record with respect to a rule. Except as otherwise required by a provision of law, the agency rule-making record need not constitute the exclusive basis for agency action on that rule or for judicial review thereof.

SECTION 49. Section 25-43-3.113, Mississippi Code of 1972, is brought forward as follows:

25-43-3.113. (1) Except to the extent subsection (2) or (3) of this section provides otherwise, each rule adopted after July 1, 2005, becomes effective thirty (30) days after its proper filing in the Office of the Secretary of State.

(2) (a) A rule becomes effective on a date later than that established by subsection (1) of this section if a later date is required by another statute or specified in the rule.

(b) A rule may become effective immediately upon its filing or on any subsequent date earlier than that established by

subsection (1) of this section if the agency establishes such an effective date and finds that:

(i) It is required by Constitution, statute or court order;

(ii) The rule only confers a benefit or removes a restriction on the public or some segment thereof;

(iii) The rule only delays the effective date of another rule that is not yet effective; or

(iv) The earlier effective date is necessary because of imminent peril to the public health, safety or welfare.

(c) The finding and a brief statement of the reasons therefor required by paragraph (b) of this subsection must be made a part of the rule. In any action contesting the effective date of a rule made effective under paragraph (b) of this subsection, the burden is on the agency to justify its finding.

(d) A temporary rule may become effective immediately upon its filing or on any subsequent date earlier than that established by subsection (1) of this section.

(e) Each agency shall make a reasonable effort to make known to persons who may be affected by it a rule made effective before any date established by subsection (1) of this section.

(3) This section does not relieve an agency from compliance with any provision of law requiring that some or all of its rules be approved by other designated officials or bodies before they become effective.

SECTION 50. Section 27-7-17, Mississippi Code of 1972, is amended as follows:

27-7-17. In computing taxable income, there shall be allowed as deductions:

(1) **Business deductions.**

(a) **Business expenses.** All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; nonreimbursable traveling expenses incident to current employment, including a reasonable amount expended for meals and lodging while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition of the continued use or possession, for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he had no equity. Expense incurred in connection with earning and distributing nontaxable income is not an allowable deduction. Limitations on entertainment expenses shall conform to the provisions of the Internal Revenue Code of 1986. <u>There shall also be allowed a deduction for expenses as provided in Section 26 of this act.</u>

(b) **Interest.** All interest paid or accrued during the taxable year on business indebtedness, except interest upon the indebtedness for the purchase of tax-free bonds, or any stocks, the dividends from which are nontaxable under the provisions of

this article; provided, however, in the case of securities dealers, interest payments or accruals on loans, the proceeds of which are used to purchase tax-exempt securities, shall be deductible if income from otherwise tax-free securities is reported as income. Investment interest expense shall be limited to investment income. Interest expense incurred for the purchase of treasury stock, to pay dividends, or incurred as a result of an undercapitalized affiliated corporation may not be deducted unless an ordinary and necessary business purpose can be established to the satisfaction of the commissioner. For the purposes of this paragraph, the phrase "interest upon the indebtedness for the purchase of tax-free bonds" applies only to the indebtedness incurred for the purpose of directly purchasing tax-free bonds and does not apply to any other indebtedness incurred in the regular course of the taxpayer's business. Any corporation, association, organization or other entity taxable under Section 27-7-23(c) shall allocate interest expense as provided in Section 27-7-23(c)(3)(I).

(c) **Taxes.** Taxes paid or accrued within the taxable year, except state and federal income taxes, excise taxes based on or measured by net income, estate and inheritance taxes, gift taxes, cigar and cigarette taxes, gasoline taxes, and sales and use taxes unless incurred as an item of expense in a trade or business or in the production of taxable income. In the case of an individual, taxes permitted as an itemized deduction under the

provisions of subsection (3)(a) of this section are to be claimed thereunder.

(d) **Business losses.**

(i) Losses sustained during the taxable year not compensated for by insurance or otherwise, if incurred in trade or business, or nonbusiness transactions entered into for profit.

(ii) Limitations on losses from passive activities and rental real estate shall conform to the provisions of the Internal Revenue Code of 1986.

(e) **Bad debts.** Losses from debts ascertained to be worthless and charged off during the taxable year, if sustained in the conduct of the regular trade or business of the taxpayer; provided, that such losses shall be allowed only when the taxpayer has reported as income, on the accrual basis, the amount of such debt or account.

(f) **Depreciation.** A reasonable allowance for exhaustion, wear and tear of property used in the trade or business, or rental property, and depreciation upon buildings based upon their reasonable value as of March 16, 1912, if acquired prior thereto, and upon cost if acquired subsequent to that date. In the case of new or used aircraft, equipment, engines, or other parts and tools used for aviation, allowance for bonus depreciation conforms with the federal bonus depreciation rates and reasonable allowance for depreciation under this section is no less than one hundred percent (100%).

(g) **Depletion.** In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, based upon cost, including cost of development, not otherwise deducted, or fair market value as of March 16, 1912, if acquired prior to that date, such allowance to be made upon regulations prescribed by the commissioner, with the approval of the Governor.

(h) **Contributions or gifts.** Except as otherwise provided in paragraph (p) of this subsection or subsection (3)(a) of this section for individuals, contributions or gifts made by corporations within the taxable year to corporations, organizations, associations or institutions, including Community Chest funds, foundations and trusts created solely and exclusively for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inure to the benefit of any private stockholder or individual. This deduction shall be allowed in an amount not to exceed twenty percent (20%) of the net income. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner, with the approval of the Governor. Contributions made in any form other than cash shall be allowed as a deduction, subject to the limitations herein provided, in an amount equal to the actual market value of the contributions at the time the contribution is actually made and consummated.

(i) **Reserve funds - insurance companies.** In the case of insurance companies the net additions required by law to be made within the taxable year to reserve funds when such reserve funds are maintained for the purpose of liquidating policies at maturity.

(j) **Annuity income.** The sums, other than dividends, paid within the taxpayer year on policy or annuity contracts when such income has been included in gross income.

(k) **Contributions to employee pension plans.** Contributions made by an employer to a plan or a trust forming part of a pension plan, stock bonus plan, disability or death-benefit plan, or profit-sharing plan of such employer for the exclusive benefit of some or all of his, their, or its employees, or their beneficiaries, shall be deductible from his, their, or its income only to the extent that, and for the taxable year in which, the contribution is deductible for federal income tax purposes under the Internal Revenue Code of 1986 and any other provisions of similar purport in the Internal Revenue Laws of the United States, and the rules, regulations, rulings and determinations promulgated thereunder, provided that:

(i) The plan or trust be irrevocable.

(ii) The plan or trust constitute a part of a pension plan, stock bonus plan, disability or death-benefit plan, or profit-sharing plan for the exclusive benefit of some or all of the employer's employees and/or officers, or their beneficiaries,

for the purpose of distributing the corpus and income of the plan or trust to such employees and/or officers, or their beneficiaries.

(iii) No part of the corpus or income of the plan or trust can be used for purposes other than for the exclusive benefit of employees and/or officers, or their beneficiaries.

Contributions to all plans or to all trusts of real or personal property (or real and personal property combined) or to insured plans created under a retirement plan for which provision has been made under the laws of the United States of America, making such contributions deductible from income for federal income tax purposes, shall be deductible only to the same extent under the Income Tax Laws of the State of Mississippi.

(l) **Net operating loss carrybacks and carryovers.** A net operating loss for any taxable year ending after December 31, 1993, and taxable years thereafter, shall be a net operating loss carryback to each of the three (3) taxable years preceding the taxable year of the loss. If the net operating loss for any taxable year is not exhausted by carrybacks to the three (3) taxable years preceding the taxable year of the loss, then there shall be a net operating loss carryover to each of the fifteen (15) taxable years following the taxable year of the loss beginning with any taxable year after December 31, 1991.

For any taxable year ending after December 31, 1997, the period for net operating loss carrybacks and net operating loss

carryovers shall be the same as those established by the Internal Revenue Code and the rules, regulations, rulings and determinations promulgated thereunder as in effect at the taxable year end or on December 31, 2000, whichever is earlier.

A net operating loss for any taxable year ending after December 31, 2001, and taxable years thereafter, shall be a net operating loss carryback to each of the two (2) taxable years preceding the taxable year of the loss. If the net operating loss for any taxable year is not exhausted by carrybacks to the two (2) taxable years preceding the taxable year of the loss, then there shall be a net operating loss carryover to each of the twenty (20) taxable years following the taxable year of the loss beginning with any taxable year after the taxable year of the loss.

The term "net operating loss," for the purposes of this paragraph, shall be the excess of the deductions allowed over the gross income; provided, however, the following deductions shall not be allowed in computing same:

(i) No net operating loss deduction shall be allowed.

(ii) No personal exemption deduction shall be allowed.

(iii) Allowable deductions which are not attributable to taxpayer's trade or business shall be allowed only to the extent of the amount of gross income not derived from such trade or business.

Any taxpayer entitled to a carryback period as provided by this paragraph may elect to relinquish the entire carryback period with respect to a net operating loss for any taxable year ending after December 31, 1991. The election shall be made in the manner prescribed by the Department of Revenue and shall be made by the due date, including extensions of time, for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. The election, once made for any taxable year, shall be irrevocable for that taxable year.

(m) **Amortization of pollution or environmental control facilities.** Allowance of deduction. Every taxpayer, at his election, shall be entitled to a deduction for pollution or environmental control facilities to the same extent as that allowed under the Internal Revenue Code and the rules, regulations, rulings and determinations promulgated thereunder.

(n) **Dividend distributions - real estate investment trusts.** "Real estate investment trust" (hereinafter referred to as REIT) shall have the meaning ascribed to such term in Section 856 of the federal Internal Revenue Code of 1986, as amended. A REIT is allowed a dividend distributed deduction if the dividend distributions meet the requirements of Section 857 or are otherwise deductible under Section 858 or 860, federal Internal Revenue Code of 1986, as amended. In addition:

(i) A dividend distributed deduction shall only be allowed for dividends paid by a publicly traded REIT. A qualified

REIT subsidiary shall be allowed a dividend distributed deduction if its owner is a publicly traded REIT.

(ii) Income generated from real estate contributed or sold to a REIT by a shareholder or related party shall not give rise to a dividend distributed deduction, unless the shareholder or related party would have received the dividend distributed deduction under this chapter.

(iii) A holding corporation receiving a dividend from a REIT shall not be allowed the deduction in Section 27-7-15(4)(t).

(iv) Any REIT not allowed the dividend distributed deduction in the federal Internal Revenue Code of 1986, as amended, shall not be allowed a dividend distributed deduction under this chapter.

The commissioner is authorized to promulgate rules and regulations consistent with the provisions in Section 269 of the federal Internal Revenue Code of 1986, as amended, so as to prevent the evasion or avoidance of state income tax.

(o) **Contributions to college savings trust fund accounts.** Contributions or payments to a Mississippi Affordable College Savings Program account are deductible as provided under Section 37-155-113. Payments made under a prepaid tuition contract entered into under the Mississippi Prepaid Affordable College Tuition Program are deductible as provided under Section 37-155-17.

(p) **Contributions of human pharmaceutical products.** To the extent that a "major supplier" as defined in Section 27-13-13(2)(d) contributes human pharmaceutical products in excess of Two Hundred Fifty Million Dollars ($250,000,000.00) as determined under Section 170 of the Internal Revenue Code, the charitable contribution limitation associated with those donations shall follow the federal limitation but cannot result in the Mississippi net income being reduced below zero.

(q) **Contributions to ABLE trust fund accounts.** Contributions or payments to a Mississippi Achieving a Better Life Experience (ABLE) Program account are deductible as provided under Section 43-28-13.

(2) **Restrictions on the deductibility of certain intangible expenses and interest expenses with a related member.**

(a) As used in this subsection (2):

(i) "Intangible expenses and costs" include:

1. Expenses, losses and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange or any other disposition of intangible property to the extent such amounts are allowed as deductions or costs in determining taxable income under this chapter;

2. Expenses or losses related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

3. Royalty, patent, technical and copyright fees;

4. Licensing fees; and

5. Other similar expenses and costs.

(ii) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights and similar types of intangible assets.

(iii) "Interest expenses and cost" means amounts directly or indirectly allowed as deductions for purposes of determining taxable income under this chapter to the extent such interest expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange or disposition of intangible property.

(iv) "Related member" means an entity or person that, with respect to the taxpayer during all or any portion of the taxable year, is a related entity, a component member as defined in the Internal Revenue Code, or is an entity or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code.

(v) "Related entity" means:

1. A stockholder who is an individual or a member of the stockholder's family, as defined in regulations prescribed by the commissioner, if the stockholder and the members of the stockholder's family own, directly, indirectly,

beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

2. A stockholder, or a stockholder's partnership, limited liability company, estate, trust or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts and corporations own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

3. A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock under regulation prescribed by the commissioner;

4. Any entity or person which would be a related member under this section if the taxpayer were considered a corporation for purposes of this section.

(b) In computing net income, a taxpayer shall add back otherwise deductible interest expenses and costs and intangible expenses and costs directly or indirectly paid, accrued to or incurred, in connection directly or indirectly with one or more direct or indirect transactions with one or more related members.

(c) The adjustments required by this subsection shall not apply to such portion of interest expenses and costs and intangible expenses and costs that the taxpayer can establish meets one (1) of the following:

(i) The related member directly or indirectly paid, accrued or incurred such portion to a person during the same income year who is not a related member; or

(ii) The transaction giving rise to the interest expenses and costs or intangible expenses and costs between the taxpayer and related member was done primarily for a valid business purpose other than the avoidance of taxes, and the related member is not primarily engaged in the acquisition, use, maintenance or management, ownership, sale, exchange or any other disposition of intangible property.

(d) Nothing in this subsection shall require a taxpayer to add to its net income more than once any amount of interest expenses and costs or intangible expenses and costs that the taxpayer pays, accrues or incurs to a related member.

(e) The commissioner may prescribe such regulations as necessary or appropriate to carry out the purposes of this subsection, including, but not limited to, clarifying definitions of terms, rules of stock attribution, factoring and discount transactions.

(3) **Individual nonbusiness deductions.**

(a) The amount allowable for individual nonbusiness itemized deductions for federal income tax purposes where the individual is eligible to elect, for the taxable year, to itemize deductions on his federal return except the following:

(i) The deduction for state income taxes paid or other taxes allowed for federal purposes in lieu of state income taxes paid;

(ii) The deduction for gaming losses from gaming establishments;

(iii) The deduction for taxes collected by licensed gaming establishments pursuant to Section 27-7-901;

(iv) The deduction for taxes collected by gaming establishments pursuant to Section 27-7-903.

(b) In lieu of the individual nonbusiness itemized deductions authorized in paragraph (a), for all purposes other than ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, an optional standard deduction of:

(i) Three Thousand Four Hundred Dollars ($3,400.00) through calendar year 1997, Four Thousand Two Hundred Dollars ($4,200.00) for the calendar year 1998 and Four Thousand Six Hundred Dollars ($4,600.00) for each calendar year thereafter in the case of married individuals filing a joint or combined return;

(ii) One Thousand Seven Hundred Dollars ($1,700.00) through calendar year 1997, Two Thousand One Hundred Dollars ($2,100.00) for the calendar year 1998 and Two Thousand Three Hundred Dollars ($2,300.00) for each calendar year thereafter in the case of married individuals filing separate returns;

(iii) Three Thousand Four Hundred Dollars ($3,400.00) in the case of a head of family; or

(iv) Two Thousand Three Hundred Dollars ($2,300.00) in the case of an individual who is not married.

In the case of a husband and wife living together, having separate incomes, and filing combined returns, the standard deduction authorized may be divided in any manner they choose. In the case of separate returns by a husband and wife, the standard deduction shall not be allowed to either if the taxable income of one of the spouses is determined without regard to the standard deduction.

(c) A nonresident individual shall be allowed the same individual nonbusiness deductions as are authorized for resident individuals in paragraph (a) or (b) of this subsection; however, the nonresident individual is entitled only to that proportion of the individual nonbusiness deductions as his net income from sources within the State of Mississippi bears to his total or entire net income from all sources.

(4) Nothing in this section shall permit the same item to be deducted more than once, either in fact or in effect.

SECTION 51. Section 27-65-111, Mississippi Code of 1972, is amended as follows:

27-65-111. The exemptions from the provisions of this chapter which are not industrial, agricultural or governmental, or which do not relate to utilities or taxes, or which are not properly classified as one (1) of the exemption classifications of this chapter, shall be confined to persons or property exempted by this section or by the Constitution of the United States or the State of Mississippi. No exemptions as now provided by any other section, except the classified exemption sections of this chapter set forth herein, shall be valid as against the tax herein levied. Any subsequent exemption from the tax levied hereunder, except as indicated above, shall be provided by amendments to this section.

No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

The tax levied by this chapter shall not apply to the following:

(a) Sales of tangible personal property and services to hospitals or infirmaries owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual, and which are subject to and governed by Sections 41-7-123 through 41-7-127.

Only sales of tangible personal property or services which are ordinary and necessary to the operation of such hospitals and infirmaries are exempted from tax.

(b) Sales of daily or weekly newspapers, and periodicals or publications of scientific, literary or educational organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of March 31, 1975, and subscription sales of all magazines.

(c) Sales of coffins, caskets and other materials used in the preparation of human bodies for burial.

(d) Sales of tangible personal property for immediate export to a foreign country.

(e) Sales of tangible personal property to an orphanage, old men's or ladies' home, supported wholly or in part by a religious denomination, fraternal nonprofit organization or other nonprofit organization.

(f) Sales of tangible personal property, labor or services taxable under Sections 27-65-17, 27-65-19 and 27-65-23, to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual.

(g) Sales to elementary and secondary grade schools, junior and senior colleges owned and operated by a corporation or association in which no part of the net earnings inures to the

benefit of any private shareholder, group or individual, and which are exempt from state income taxation, provided that this exemption does not apply to sales of property or services which are not to be used in the ordinary operation of the school, or which are to be resold to the students or the public.

(h) The gross proceeds of retail sales and the use or consumption in this state of drugs and medicines:

(i) Prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed or prescription filled by a registered pharmacist in accordance with law; or

(ii) Furnished by a licensed physician, surgeon, dentist or podiatrist to his own patient for treatment of the patient; or

(iii) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, surgeon, dentist or podiatrist; or

(iv) Sold to a licensed physician, surgeon, podiatrist, dentist or hospital for the treatment of a human being; or

(v) Sold to this state or any political subdivision or municipal corporation thereof, for use in the treatment of a human being or furnished for the treatment of a human being by a medical facility or clinic maintained by this

state or any political subdivision or municipal corporation thereof.

"Medicines," as used in this paragraph (h), shall mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use; provided that "medicines" do not include any auditory, prosthetic, ophthalmic or ocular device or appliance, any dentures or parts thereof or any artificial limbs or their replacement parts, articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices or other mechanical, electronic, optical or physical equipment or article or the component parts and accessories thereof, or any alcoholic beverage or any other drug or medicine not commonly referred to as a prescription drug.

Notwithstanding the preceding sentence of this paragraph (h), "medicines" as used in this paragraph (h), shall mean and include sutures, whether or not permanently implanted, bone screws, bone pins, pacemakers and other articles permanently implanted in the human body to assist the functioning of any natural organ, artery, vein or limb and which remain or dissolve in the body.

The exemption provided in this paragraph (h) shall not apply to medical cannabis sold in accordance with the provisions of the

Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

"Hospital," as used in this paragraph (h), shall have the meaning ascribed to it in Section 41-9-3, Mississippi Code of 1972.

Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this paragraph (h).

(i) Retail sales of automobiles, trucks and truck-tractors if exported from this state within forty-eight (48) hours and registered and first used in another state.

(j) Sales of tangible personal property or services to the Salvation Army and the Muscular Dystrophy Association, Inc.

(k) From July 1, 1985, through December 31, 1992, retail sales of "alcohol-blended fuel" as such term is defined in Section 75-55-5. The gasoline-alcohol blend or the straight alcohol eligible for this exemption shall not contain alcohol distilled outside the State of Mississippi.

(l) Sales of tangible personal property or services to the Institute for Technology Development.

(m) The gross proceeds of retail sales of food and drink for human consumption made through vending machines serviced by full-line vendors from and not connected with other taxable businesses.

(n) The gross proceeds of sales of motor fuel.

(o) Retail sales of food for human consumption purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, from and after October 1, 1987, or from and after the expiration of any waiver granted pursuant to federal law, the effect of which waiver is to permit the collection by the state of tax on such retail sales of food for human consumption purchased with food stamps.

(p) Sales of cookies for human consumption by the Girl Scouts of America no part of the net earnings from which sales inures to the benefit of any private group or individual.

(q) Gifts or sales of tangible personal property or services to public or private nonprofit museums of art.

(r) Sales of tangible personal property or services to alumni associations of state-supported colleges or universities.

(s) Sales of tangible personal property or services to National Association of Junior Auxiliaries, Inc., and chapters of the National Association of Junior Auxiliaries, Inc.

(t) Sales of tangible personal property or services to domestic violence shelters which qualify for state funding under Sections 93-21-101 through 93-21-113.

(u) Sales of tangible personal property or services to the National Multiple Sclerosis Society, Mississippi Chapter.

(v) Retail sales of food for human consumption purchased with food instruments issued the Mississippi Band of

Choctaw Indians under the Women, Infants and Children Program (WIC) funded by the United States Department of Agriculture.

(w) Sales of tangible personal property or services to a private company, as defined in Section 57-61-5, which is making such purchases with proceeds of bonds issued under Section 57-61-1 et seq., the Mississippi Business Investment Act.

(x) The gross collections from the operation of self-service, coin-operated car washing equipment and sales of the service of washing motor vehicles with portable high-pressure washing equipment on the premises of the customer.

(y) Sales of tangible personal property or services to the Mississippi Technology Alliance.

(z) Sales of tangible personal property to nonprofit organizations that provide foster care, adoption services and temporary housing for unwed mothers and their children if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(aa) Sales of tangible personal property to nonprofit organizations that provide residential rehabilitation for persons with alcohol and drug dependencies if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(bb) (i) Retail sales of an article of clothing or footwear designed to be worn on or about the human body and retail sales of school supplies if the sales price of the article of

clothing or footwear or school supply is less than One Hundred Dollars ($100.00) and the sale takes place during a period beginning at 12:01 a.m. on the last Friday in July and ending at 12:00 midnight the following Saturday. This paragraph (bb) shall not apply to:

1. Accessories including jewelry, handbags, luggage, umbrellas, wallets, watches, briefcases, garment bags and similar items carried on or about the human body, without regard to whether worn on the body in a manner characteristic of clothing;

2. The rental of clothing or footwear; and

3. Skis, swim fins, roller blades, skates and similar items worn on the foot.

(ii) For purposes of this paragraph (bb), "school supplies" means items that are commonly used by a student in a course of study. The following is an all-inclusive list:

1. Backpacks;

2. Binder pockets;

3. Binders;

4. Blackboard chalk;

5. Book bags;

6. Calculators;

7. Cellophane tape;

8. Clays and glazes;

9. Compasses;

10. Composition books;

11. Crayons;

12. Dictionaries and thesauruses;

13. Dividers;

14. Erasers;

15. Folders: expandable, pocket, plastic and manila;

16. Glue, paste and paste sticks;

17. Highlighters;

18. Index card boxes;

19. Index cards;

20. Legal pads;

21. Lunch boxes;

22. Markers;

23. Notebooks;

24. Paintbrushes for artwork;

25. Paints: acrylic, tempera and oil;

26. Paper: loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board and construction paper;

27. Pencil boxes and other school supply boxes;

28. Pencil sharpeners;

29. Pencils;

30. Pens;

31. Protractors;

32. Reference books;

33. Reference maps and globes;

34. Rulers;

35. Scissors;

36. Sheet music;

37. Sketch and drawing pads;

38. Textbooks;

39. Watercolors;

40. Workbooks; and

41. Writing tablets.

(iii) From and after January 1, 2010, the governing authorities of a municipality, for retail sales occurring within the corporate limits of the municipality, may suspend the application of the exemption provided for in this paragraph (bb) by adoption of a resolution to that effect stating the date upon which the suspension shall take effect. A certified copy of the resolution shall be furnished to the Department of Revenue at least ninety (90) days prior to the date upon which the municipality desires such suspension to take effect.

(cc) The gross proceeds of sales of tangible personal property made for the sole purpose of raising funds for a school or an organization affiliated with a school.

As used in this paragraph (cc), "school" means any public or private school that teaches courses of instruction to students in any grade from Kindergarten through Grade 12.

(dd) Sales of durable medical equipment and home medical supplies when ordered or prescribed by a licensed physician for medical purposes of a patient. As used in this paragraph (dd), "durable medical equipment" and "home medical supplies" mean equipment, including repair and replacement parts for the equipment or supplies listed under Title XVIII of the Social Security Act or under the state plan for medical assistance under Title XIX of the Social Security Act, prosthetics, orthotics, hearing aids, hearing devices, prescription eyeglasses, oxygen and oxygen equipment. Payment does not have to be made, in whole or in part, by any particular person to be eligible for this exemption. Purchases of home medical equipment and supplies by a provider of home health services or a provider of hospice services are eligible for this exemption if the purchases otherwise meet the requirements of this paragraph.

(ee) Sales of tangible personal property or services to Mississippi Blood Services.

(ff) (i) Subject to the provisions of this paragraph (ff), retail sales of firearms, ammunition and hunting supplies if sold during the annual Mississippi Second Amendment Weekend holiday beginning at 12:01 a.m. on the last Friday in August and ending at 12:00 midnight the following Sunday. For the purposes

of this paragraph (ff), "hunting supplies" means tangible personal property used for hunting, including, and limited to, archery equipment, firearm and archery cases, firearm and archery accessories, hearing protection, holsters, belts and slings. Hunting supplies does not include animals used for hunting.

(ii) This paragraph (ff) shall apply only if one or more of the following occur:

1. Title to and/or possession of an eligible item is transferred from a seller to a purchaser; and/or

2. A purchaser orders and pays for an eligible item and the seller accepts the order for immediate shipment, even if delivery is made after the time period provided in subparagraph (i) of this paragraph (ff), provided that the purchaser has not requested or caused the delay in shipment.

(gg) Sales of nonperishable food items to charitable organizations that are exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and operate a food bank or food pantry or food lines.

(hh) Sales of tangible personal property or services to the United Way of the Pine Belt Region, Inc.

(ii) Sales of tangible personal property or services to the Mississippi Children's Museum or any subsidiary or affiliate thereof operating a satellite or branch museum within this state.

(jj) Sales of tangible personal property or services to the Jackson Zoological Park.

(kk) Sales of tangible personal property or services to the Hattiesburg Zoo.

(ll) Gross proceeds from sales of food, merchandise or other concessions at an event held solely for religious or charitable purposes at livestock facilities, agriculture facilities or other facilities constructed, renovated or expanded with funds for the grant program authorized under Section 18, Chapter 530, Laws of 1995.

(mm) Sales of tangible personal property and services to the Diabetes Foundation of Mississippi and the Mississippi Chapter of the Juvenile Diabetes Research Foundation.

(nn) Sales of potting soil, mulch, or other soil amendments used in growing ornamental plants which bear no fruit of commercial value when sold to commercial plant nurseries that operate exclusively at wholesale and where no retail sales can be made.

(oo) Sales of tangible personal property or services to the University of Mississippi Medical Center Research Development Foundation.

(pp) Sales of tangible personal property or services to Keep Mississippi Beautiful, Inc., and all affiliates of Keep Mississippi Beautiful, Inc.

(qq) Sales of tangible personal property or services to the Friends of Children's Hospital.

(rr) Sales of tangible personal property or services to the Pinecrest Weekend Snackpacks for Kids located in Corinth, Mississippi.

(ss) Sales of hearing aids when ordered or prescribed by a licensed physician, audiologist or hearing aid specialist for the medical purposes of a patient.

(tt) Sales exempt under the Facilitating Business Rapid Response to State Declared Disasters Act of 2015 (Sections 27-113-1 through 27-113-9).

(uu) Sales of tangible personal property or services to the Junior League of Jackson.

(vv) Sales of tangible personal property or services to the Mississippi's Toughest Kids Foundation for use in the construction, furnishing and equipping of buildings and related facilities and infrastructure at Camp Kamassa in Copiah County, Mississippi. This paragraph (vv) shall stand repealed on July 1, 2022.

(ww) Sales of tangible personal property or services to MS Gulf Coast Buddy Sports, Inc.

(xx) Sales of tangible personal property or services to Biloxi Lions, Inc.

(yy) Sales of tangible personal property or services to Lions Sight Foundation of Mississippi, Inc.

(zz) Sales of tangible personal property and services to the Goldring/Woldenberg Institute of Southern Jewish Life (ISJL).

SECTION 52. Section 33-13-520, Mississippi Code of 1972, is amended as follows:

33-13-520. (1) Any person subject to this code who uses, while on duty, any controlled substance listed in the Uniform Controlled Substances Law, not legally prescribed, or is found, by a chemical analysis of such person's blood or urine, to have in his blood, while on duty, any controlled substance described in subsection (3), not legally prescribed, shall be punished as a court-martial may direct.

(2) Any person subject to this code who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle or aircraft used by or under the control of the state military forces a substance described in subsection (3) shall be punished as a court-martial may direct.

(3) The substances referred to in subsections (1) and (2) are the following:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance. For the purposes of this paragraph (a), "marijuana" shall not

include medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

(b) Any substance not specified in paragraph (a) that is listed on a schedule of controlled substance prescribed by the President for the purposes of the federal Uniform Code of Military Justice.

(c) Any other substance not specified in paragraph (a) or contained on a list prescribed by the President under paragraph (b) that is listed in Schedules I through V of Section 202 of the federal Controlled Substances Act (21 USCS 812).

SECTION 53. Section 37-11-29, Mississippi Code of 1972, is amended as follows:

37-11-29. (1) Any principal, teacher or other school employee who has knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred shall report such activity to the superintendent of the school district or his designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his designee is unavailable, any principal may make a report required under this subsection.

(2) Whenever any person who shall be an enrolled student in any school or educational institution in this state supported in whole or in part by public funds, or who shall be an enrolled

student in any private school or educational institution, is arrested for, and lawfully charged with, the commission of any crime and convicted upon the charge for which he was arrested, or convicted of any crime charged against him after his arrest and before trial, the office or law enforcement department of which the arresting officer is a member, and the justice court judge and any circuit judge or court before whom such student is tried upon said charge or charges, shall make or cause to be made a report thereof to the superintendent or the president or chancellor, as the case may be, of the school district or other educational institution in which such student is enrolled.

If the charge upon which such student was arrested, or any other charges preferred against him are dismissed or nol prossed, or if upon trial he is either convicted or acquitted of such charge or charges, same shall be reported to said respective superintendent or president, or chancellor, as the case may be. A copy of said report shall be sent to the Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, at Jackson, Mississippi.

Said report shall be made within one (1) week after the arrest of such student and within one (1) week after any charge placed against him is dismissed or nol prossed, and within one (1) week after he shall have pled guilty, been convicted, or have been acquitted by trial upon any charge placed against him. This

section shall not apply to ordinary traffic violations involving a penalty of less than Fifty Dollars ($50.00) and costs.

The State Superintendent of Public Education shall gather annually all of the reports provided under this section and prepare a report on the number of students arrested as a result of any unlawful activity which occurred on educational property or during a school related activity. All data must be disaggregated by race, ethnicity, gender, school, offense and law enforcement agency involved. However, the report prepared by the State Superintendent of Public Education shall not include the identity of any student who was arrested.

On or before January 1 of each year, the State Superintendent of Public Education shall report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Joint PEER Committee on this section. The report must include data regarding arrests as a result of any unlawful activity which occurred on educational property or during a school related activity.

(3) When the superintendent or his designee has a reasonable belief that an act has occurred on educational property or during a school related activity involving any of the offenses set forth in subsection (6) of this section, the superintendent or his designee shall immediately report the act to the appropriate local law enforcement agency. For purposes of this subsection, "school property" shall include any public school building, bus, public

school campus, grounds, recreational area or athletic field in the charge of the superintendent. The State Board of Education shall prescribe a form for making reports required under this subsection. Any superintendent or his designee who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35.

(4) The law enforcement authority shall immediately dispatch an officer to the educational institution and with probable cause the officer is authorized to make an arrest if necessary as provided in Section 99-3-7.

(5) Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.

(6) For purposes of this section, "unlawful activity" means any of the following:

(a) Possession or use of a deadly weapon, as defined in Section 97-37-1;

(b) Possession, sale or use of any controlled substance;

(c) Aggravated assault, as defined in Section 97-3-7;

(d) Simple assault, as defined in Section 97-3-7, upon any school employee;

(e) Rape, as defined under Mississippi law;

(f) Sexual battery, as defined under Mississippi law;

(g) Murder, as defined under Mississippi law;

(h) Kidnapping, as defined under Mississippi law; or

(i) Fondling, touching, handling, etc., a child for lustful purposes, as defined in Section 97-5-23.

For the purposes of this subsection (6), the term "controlled substance" does not include the possession or use of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 54. Section 41-3-15, Mississippi Code of 1972, is brought forward as follows:

41-3-15. (1) (a) There shall be a State Department of Health.

(b) The State Board of Health shall have the following powers and duties:

(i) To formulate the policy of the State Department of Health regarding public health matters within the jurisdiction of the department;

(ii) To adopt, modify, repeal and promulgate, after due notice and hearing, and enforce rules and regulations implementing or effectuating the powers and duties of the

department under any and all statutes within the department's jurisdiction, and as the board may deem necessary;

(iii) To apply for, receive, accept and expend any federal or state funds or contributions, gifts, trusts, devises, bequests, grants, endowments or funds from any other source or transfers of property of any kind;

(iv) To enter into, and to authorize the executive officer to execute contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if it finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature;

(v) To appoint, upon recommendation of the Executive Officer of the State Department of Health, a Director of Internal Audit who shall be either a Certified Public Accountant or Certified Internal Auditor, and whose employment shall be continued at the discretion of the board, and who shall report directly to the board, or its designee; and

(vi) To discharge such other duties, responsibilities and powers as are necessary to implement the provisions of this chapter.

(c) The Executive Officer of the State Department of Health shall have the following powers and duties:

(i) To administer the policies of the State Board of Health within the authority granted by the board;

(ii) To supervise and direct all administrative and technical activities of the department, except that the department's internal auditor shall be subject to the sole supervision and direction of the board;

(iii) To organize the administrative units of the department in accordance with the plan adopted by the board and, with board approval, alter the organizational plan and reassign responsibilities as he or she may deem necessary to carry out the policies of the board;

(iv) To coordinate the activities of the various offices of the department;

(v) To employ, subject to regulations of the State Personnel Board, qualified professional personnel in the subject matter or fields of each office, and such other technical and clerical staff as may be required for the operation of the department. The executive officer shall be the appointing authority for the department, and shall have the power to delegate the authority to appoint or dismiss employees to appropriate subordinates, subject to the rules and regulations of the State Personnel Board;

(vi) To recommend to the board such studies and investigations as he or she may deem appropriate, and to carry out the approved recommendations in conjunction with the various offices;

(vii) To prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the department and the offices thereof, including a detailed statement of expenditures of the department and any recommendations the board may have;

(viii) To prepare and deliver to the Chairmen of the Public Health and Welfare/Human Services Committees of the Senate and House on or before January 1 of each year, a plan for monitoring infant mortality in Mississippi and a full report of the work of the department on reducing Mississippi's infant mortality and morbidity rates and improving the status of maternal and infant health; and

(ix) To enter into contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if he or she finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those

purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

(2) The State Board of Health shall have the authority to establish an Office of Rural Health within the department. The duties and responsibilities of this office shall include the following:

(a) To collect and evaluate data on rural health conditions and needs;

(b) To engage in policy analysis, policy development and economic impact studies with regard to rural health issues;

(c) To develop and implement plans and provide technical assistance to enable community health systems to respond to various changes in their circumstances;

(d) To plan and assist in professional recruitment and retention of medical professionals and assistants; and

(e) To establish information clearinghouses to improve access to and sharing of rural health care information.

(3) The State Board of Health shall have general supervision of the health interests of the people of the state and to exercise the rights, powers and duties of those acts which it is authorized by law to enforce.

(4) The State Board of Health shall have authority:

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect

of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

(b) To make such sanitary investigations as it may, from time to time, deem necessary for the protection and improvement of health and to investigate nuisance questions that affect the security of life and health within the state.

(c) To direct and control sanitary and quarantine measures for dealing with all diseases within the state possible to suppress same and prevent their spread.

(d) To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be useful in the discharge of its duties or may contribute to the prevention of disease or the promotion of health in this state.

(e) To charge and collect reasonable fees for health services, including immunizations, inspections and related activities, and the board shall charge fees for those services; however, if it is determined that a person receiving services is unable to pay the total fee, the board shall collect any amount that the person is able to pay. Any increase in the fees charged by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65.

(f) (i) To establish standards for, issue permits and exercise control over, any cafes, restaurants, food or drink

stands, sandwich manufacturing establishments, and all other establishments, other than churches, church-related and private schools, and other nonprofit or charitable organizations, where food or drink is regularly prepared, handled and served for pay; and

(ii) To require that a permit be obtained from the Department of Health before those persons begin operation. If any such person fails to obtain the permit required in this subparagraph (ii), the State Board of Health, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed One Thousand Dollars ($1,000.00) for each violation. However, the department is not authorized to impose a monetary penalty against any person whose gross annual prepared food sales are less than Five Thousand Dollars ($5,000.00). Money collected by the board under this subparagraph (ii) shall be deposited to the credit of the State General Fund of the State Treasury.

(g) To promulgate rules and regulations and exercise control over the production and sale of milk pursuant to the provisions of Sections 75-31-41 through 75-31-49.

(h) On presentation of proper authority, to enter into and inspect any public place or building where the State Health Officer or his representative deems it necessary and proper to enter for the discovery and suppression of disease and for the enforcement of any health or sanitary laws and regulations in the state.

(i) To conduct investigations, inquiries and hearings, and to issue subpoenas for the attendance of witnesses and the production of books and records at any hearing when authorized and required by statute to be conducted by the State Health Officer or the State Board of Health.

(j) To promulgate rules and regulations, and to collect data and information, on (i) the delivery of services through the practice of telemedicine; and (ii) the use of electronic records for the delivery of telemedicine services.

(k) To enforce and regulate domestic and imported fish as authorized under Section 69-7-601 et seq.

(5) (a) The State Board of Health shall have the authority, in its discretion, to establish programs to promote the public health, to be administered by the State Department of Health. Specifically, those programs may include, but shall not be limited to, programs in the following areas:

(i) Maternal and child health;

(ii) Family planning;

(iii) Pediatric services;

(iv) Services to crippled and disabled children;

(v) Control of communicable and noncommunicable disease;

(vi) Chronic disease;

(vii) Accidental deaths and injuries;

(viii) Child care licensure;

(ix) Radiological health;

(x) Dental health;

(xi) Milk sanitation;

(xii) Occupational safety and health;

(xiii) Food, vector control and general sanitation;

(xiv) Protection of drinking water;

(xv) Sanitation in food handling establishments open to the public;

(xvi) Registration of births and deaths and other vital events;

(xvii) Such public health programs and services as may be assigned to the State Board of Health by the Legislature or by executive order; and

(xviii) Regulation of domestic and imported fish for human consumption.

(b) The State Board of Health and State Department of Health shall not be authorized to sell, transfer, alienate or otherwise dispose of any of the home health agencies owned and operated by the department on January 1, 1995, and shall not be authorized to sell, transfer, assign, alienate or otherwise dispose of the license of any of those home health agencies, except upon the specific authorization of the Legislature by an amendment to this section. However, this paragraph (b) shall not prevent the board or the department from closing or terminating

the operation of any home health agency owned and operated by the department, or closing or terminating any office, branch office or clinic of any such home health agency, or otherwise discontinuing the providing of home health services through any such home health agency, office, branch office or clinic, if the board first demonstrates that there are other providers of home health services in the area being served by the department's home health agency, office, branch office or clinic that will be able to provide adequate home health services to the residents of the area if the department's home health agency, office, branch office or clinic is closed or otherwise discontinues the providing of home health services. This demonstration by the board that there are other providers of adequate home health services in the area shall be spread at length upon the minutes of the board at a regular or special meeting of the board at least thirty (30) days before a home health agency, office, branch office or clinic is proposed to be closed or otherwise discontinue the providing of home health services.

(c) The State Department of Health may undertake such technical programs and activities as may be required for the support and operation of those programs, including maintaining physical, chemical, bacteriological and radiological laboratories, and may make such diagnostic tests for diseases and tests for the evaluation of health hazards as may be deemed necessary for the protection of the people of the state.

(6) (a) The State Board of Health shall administer the local governments and rural water systems improvements loan program in accordance with the provisions of Section 41-3-16.

(b) The State Board of Health shall have authority:

(i) To enter into capitalization grant agreements with the United States Environmental Protection Agency, or any successor agency thereto;

(ii) To accept capitalization grant awards made under the federal Safe Drinking Water Act, as amended;

(iii) To provide annual reports and audits to the United States Environmental Protection Agency, as may be required by federal capitalization grant agreements; and

(iv) To establish and collect fees to defray the reasonable costs of administering the revolving fund or emergency fund if the State Board of Health determines that those costs will exceed the limitations established in the federal Safe Drinking Water Act, as amended. The administration fees may be included in loan amounts to loan recipients for the purpose of facilitating payment to the board; however, those fees may not exceed five percent (5%) of the loan amount.

(7) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The department shall issue a license to Alexander Milne Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the construction, conversion, expansion and operation of not more than

forty-five (45) beds for developmentally disabled adults who have been displaced from New Orleans, Louisiana, with the beds to be located in a certified ICF-MR facility in the City of Laurel, Mississippi. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the license under this subsection (7). The license described in this subsection shall expire five (5) years from the date of its issue. The license authorized by this subsection shall be issued upon the initial payment by the licensee of an application fee of Sixty-seven Thousand Dollars ($67,000.00) and a monthly fee of Sixty-seven Thousand Dollars ($67,000.00) after the issuance of the license, to be paid as long as the licensee continues to operate. The initial and monthly licensing fees shall be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(8) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to issue a license to an existing home health agency for the transfer of a county from that agency to another existing home health agency, and to charge a fee for reviewing and making a determination on the application for such transfer not to exceed one-half (1/2) of the authorized fee assessed for the original application for the home health agency, with the revenue to be deposited by the State

Department of Health into the special fund created under Section 41-7-188.

(9) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: For the period beginning July 1, 2010, through July 1, 2017, the State Department of Health is authorized and empowered to assess a fee in addition to the fee prescribed in Section 41-7-188 for reviewing applications for certificates of need in an amount not to exceed twenty-five one-hundredths of one percent (.25 of 1%) of the amount of a proposed capital expenditure, but shall be not less than Two Hundred Fifty Dollars ($250.00) regardless of the amount of the proposed capital expenditure, and the maximum additional fee permitted shall not exceed Fifty Thousand Dollars ($50,000.00). Provided that the total assessments of fees for certificate of need applications under Section 41-7-188 and this section shall not exceed the actual cost of operating the certificate of need program.

(10) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to extend and renew any certificate of need that has expired, and to charge a fee for reviewing and making a determination on the application for such action not to exceed one-half (1/2) of the authorized fee assessed for the original application for the certificate of need,

with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(11) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to revoke, immediately, the license and require closure of any institution for the aged or infirm, including any other remedy less than closure to protect the health and safety of the residents of said institution or the health and safety of the general public.

(12) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to require the temporary detainment of individuals for disease control purposes based upon violation of any order of the State Health Officer, as provided in Section 41-23-5. For the purpose of enforcing such orders of the State Health Officer, persons employed by the department as investigators shall have general arrest powers. All law enforcement officers are authorized and directed to assist in the enforcement of such orders of the State Health Officer.

SECTION 55. Section 41-29-125, Mississippi Code of 1972, is amended as follows:

41-29-125. (1) The State Board of Pharmacy may promulgate rules and regulations relating to the registration and control of

the manufacture, distribution and dispensing of controlled substances within this state and the distribution and dispensing of controlled substances into this state from an out-of-state location.

(a) Every person who manufactures, distributes or dispenses any controlled substance within this state or who distributes or dispenses any controlled substance into this state from an out-of-state location, or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance within this state or the distribution or dispensing of any controlled substance into this state from an out-of-state location, must obtain a registration issued by the State Board of Pharmacy, the State Board of Medical Licensure, the State Board of Dental Examiners, the Mississippi Board of Nursing or the Mississippi Board of Veterinary Medicine, as appropriate, in accordance with its rules and the law of this state. Such registration shall be obtained annually or biennially, as specified by the issuing board, and a reasonable fee may be charged by the issuing board for such registration.

(b) Persons registered by the State Board of Pharmacy, with the consent of the United States Drug Enforcement Administration and the State Board of Medical Licensure, the State Board of Dental Examiners, the Mississippi Board of Nursing or the Mississippi Board of Veterinary Medicine to manufacture, distribute, dispense or conduct research with controlled

substances may possess, manufacture, distribute, dispense or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article.

(c) The following persons need not register and may lawfully possess controlled substances under this article:

(1) An agent or employee of any registered manufacturer, distributor or dispenser of any controlled substance if he is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouse, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a valid prescription or in lawful possession of a Schedule V substance as defined in Section 41-29-121.

(d) The State Board of Pharmacy may waive by rule the requirement for registration of certain manufacturers, distributors or dispensers if it finds it consistent with the public health and safety.

(e) A separate registration is required at each principal place of business or professional practice where an applicant within the state manufactures, distributes or dispenses controlled substances and for each principal place of business or

professional practice located out-of-state from which controlled substances are distributed or dispensed into the state.

(f) The State Board of Pharmacy, the Mississippi Bureau of Narcotics, the State Board of Medical Licensure, the State Board of Dental Examiners, the Mississippi Board of Nursing and the Mississippi Board of Veterinary Medicine may inspect the establishment of a registrant or applicant for registration in accordance with the regulations of these agencies as approved by the board.

(2) Whenever a pharmacy ships, mails or delivers any Schedule II controlled substance listed in Section 41-29-115 to a private residence in this state, the pharmacy shall arrange with the entity that will actually deliver the controlled substance to a recipient in this state that the entity will: (a) deliver the controlled substance only to a person who is eighteen (18) years of age or older; and (b) obtain the signature of that person before delivering the controlled substance. The requirements of this subsection shall not apply to a pharmacy serving a nursing facility or to a pharmacy owned and/or operated by a hospital, nursing facility or clinic to which the general public does not have access to purchase pharmaceuticals on a retail basis.

(3) This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 56. Section 41-29-127, Mississippi Code of 1972, is amended as follows:

41-29-127. (a) The State Board of Pharmacy shall register an applicant to manufacture or distribute controlled substances included in Sections 41-29-113 through 41-29-121 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the State Board of Pharmacy shall consider the following factors:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material in any application filed under this article;

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V, as set out in Sections 41-29-115 through 41-29-121, if they are authorized to dispense or conduct research under the law of this state. The State Board of Pharmacy need not require separate registration under this section for practitioners engaging in research with nonnarcotic controlled substances in the said Schedules II through V where the registrant is already registered therein in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances, as set out in Section 41-29-113, may conduct research with Schedule I substances within this state upon furnishing the State Board of Health evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this article.

(e) This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 57. Section 41-29-136, Mississippi Code of 1972, is amended as follows:

41-29-136. (1) "CBD solution" means a pharmaceutical preparation consisting of processed cannabis plant extract in oil or other suitable vehicle.

(2) (a) CBD solution prepared from (i) cannabis plant extract that is provided by the National Center for Natural Products Research at the University of Mississippi under appropriate federal and state regulatory approvals, or (ii) cannabis extract from hemp produced pursuant to Sections 69-25-201 through 69-25-221, which is prepared and tested to meet compliance with regulatory specifications, may be dispensed by the Department of Pharmacy Services at the University of Mississippi Medical Center (UMMC Pharmacy) after mixing the extract with a suitable vehicle. The CBD solution may be prepared by the UMMC Pharmacy or by another pharmacy or laboratory in the state under appropriate federal and state regulatory approvals and registrations.

(b) The patient or the patient's parent, guardian or custodian must execute a hold-harmless agreement that releases from liability the state and any division, agency, institution or employee thereof involved in the research, cultivation, processing, formulating, dispensing, prescribing or administration of CBD solution obtained from entities authorized under this section to produce or possess cannabidiol for research under appropriate federal and state regulatory approvals and registrations.

(c) The National Center for Natural Products Research at the University of Mississippi and the Mississippi Agricultural and Forestry Experiment Station at Mississippi State University are the only entities authorized to produce cannabis plants for cannabidiol research.

(d) Research of CBD solution under this section must comply with the provisions of Section 41-29-125 regarding lawful possession of controlled substances, of Section 41-29-137 regarding record-keeping requirements relative to the dispensing, use or administration of controlled substances, and of Section 41-29-133 regarding inventory requirements, insofar as they are applicable. Authorized entities may enter into public-private partnerships to facilitate research.

(3) (a) In a prosecution for the unlawful possession of marijuana under the laws of this state, it is an affirmative and complete defense to prosecution that:

(i) The defendant suffered from a debilitating epileptic condition or related illness and the use or possession of CBD solution was pursuant to the order of a physician as authorized under this section; or

(ii) The defendant is the parent, guardian or custodian of an individual who suffered from a debilitating epileptic condition or related illness and the use or possession of CBD solution was pursuant to the order of a physician as authorized under this section.

(b) An agency of this state or a political subdivision thereof, including any law enforcement agency, may not initiate proceedings to remove a child from the home based solely upon the possession or use of CBD solution by the child or parent, guardian or custodian of the child as authorized under this section.

(c) An employee of the state or any division, agency, institution thereof involved in the research, cultivation, processing, formulation, dispensing, prescribing or administration of CBD solution shall not be subject to prosecution for unlawful possession, use, distribution or prescription of marijuana under the laws of this state for activities arising from or related to the use of CBD solution in the treatment of individuals diagnosed with a debilitating epileptic condition.

(4) This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

(* * *5) This section shall be known as "Harper Grace's Law."

(* * *6) This section shall stand repealed from and after July 1, 2024.

SECTION 58. Section 41-29-137, Mississippi Code of 1972, is amended as follows:

41-29-137. (a) (1) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, as set out in Section

41-29-115, may be dispensed without the written valid prescription of a practitioner. A practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

(2) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon the oral valid prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 41-29-133. No prescription for a Schedule II substance may be refilled unless renewed by prescription issued by a licensed medical doctor.

(b) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, as set out in Sections 41-29-117 and 41-29-119, shall not be dispensed without a written or oral valid prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(c) A controlled substance included in Schedule V, as set out in Section 41-29-121, shall not be distributed or dispensed other than for a medical purpose.

(d) An optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through

73-19-165 shall be authorized to prescribe oral analgesic controlled substances in Schedule IV or V, as pertains to treatment and management of eye disease by written prescription only.

(e) Administration by injection of any pharmaceutical product authorized in this section is expressly prohibited except when dispensed directly by a practitioner other than a pharmacy.

(f) (1) For the purposes of this article, Title 73, Chapter 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it pertains to prescriptions for controlled substances, a "valid prescription" means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by:

(A) A practitioner who has conducted at least one (1) in-person medical evaluation of the patient, except as otherwise authorized by Section 41-29-137.1; or

(B) A covering practitioner.

(2) (A) "In-person medical evaluation" means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

(B) "Covering practitioner" means a practitioner who conducts a medical evaluation other than an in-person medical evaluation at the request of a practitioner who has conducted at least one (1) in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine

within the previous twenty-four (24) months and who is temporarily unavailable to conduct the evaluation of the patient.

(3) A prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire is not a valid prescription.

(4) Nothing in this subsection (f) shall apply to:

(A) A prescription issued by a practitioner engaged in the practice of telemedicine as authorized under state or federal law; or

(B) The dispensing or selling of a controlled substance pursuant to practices as determined by the United States Attorney General by regulation.

(g) This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 59. Section 41-29-139, Mississippi Code of 1972, is amended as follows:

41-29-139. (a) **Transfer and possession with intent to transfer.** Except as authorized by this article, it is unlawful for any person knowingly or intentionally:

(1) To sell, barter, transfer, manufacture, distribute, dispense or possess with intent to sell, barter, transfer, manufacture, distribute or dispense, a controlled substance; or

(2) To create, sell, barter, transfer, distribute, dispense or possess with intent to create, sell, barter, transfer, distribute or dispense, a counterfeit substance.

(b) **Punishment for transfer and possession with intent to transfer.** Except as otherwise provided in Section 41-29-142, any person who violates subsection (a) of this section shall be, if convicted, sentenced as follows:

(1) For controlled substances classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, other than marijuana or synthetic cannabinoids:

(A) If less than two (2) grams or ten (10) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both.

(B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not less than three (3) years nor more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than five (5) years nor more than thirty (30) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both.

(2) (A) For marijuana:

1. If thirty (30) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars ($3,000.00), or both;

2. If more than thirty (30) grams but less than two hundred fifty (250) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars ($5,000.00), or both;

3. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than three (3) years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars ($15,000.00), or both;

4. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than five (5) years nor more than twenty (20) years or a fine of not more than Twenty Thousand Dollars ($20,000.00), or both.

(B) For synthetic cannabinoids:

1. If ten (10) grams or less, by imprisonment for not more than three (3) years or a fine of not more than Three Thousand Dollars ($3,000.00), or both;

2. If more than ten (10) grams but less than twenty (20) grams, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars ($5,000.00), or both;

3. If twenty (20) or more grams but less than forty (40) grams, by imprisonment for not less than three (3)

years nor more than ten (10) years or a fine of not more than Fifteen Thousand Dollars ($15,000.00), or both;

4. If forty (40) or more grams but less than two hundred (200) grams, by imprisonment for not less than five (5) years nor more than twenty (20) years or a fine of not more than Twenty Thousand Dollars ($20,000.00), or both.

(3) For controlled substances classified in Schedules III and IV, as set out in Sections 41-29-117 and 41-29-119:

(A) If less than two (2) grams or ten (10) dosage units, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars ($5,000.00), or both;

(B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both;

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not more than fifteen (15) years or a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both;

(D) If thirty (30) or more grams or forty (40) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

(4) For controlled substances classified in Schedule V, as set out in Section 41-29-121:

(A) If less than two (2) grams or ten (10) dosage units, by imprisonment for not more than one (1) year or a fine of not more than Five Thousand Dollars ($5,000.00), or both;

(B) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars ($10,000.00), or both;

(C) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not more than ten (10) years or a fine of not more than Twenty Thousand Dollars ($20,000.00), or both;

(D) For thirty (30) or more grams or forty (40) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not more than fifteen (15) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both.

(c) **Simple possession.** Except as otherwise provided under subsection (i) of this section for actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder, it is unlawful for any person knowingly or intentionally to possess any controlled substance unless the substance was obtained directly from, or pursuant to, a

valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. The penalties for any violation of this subsection (c) with respect to a controlled substance classified in Schedules I, II, III, IV or V, as set out in Section 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including marijuana or synthetic cannabinoids, shall be based on dosage unit as defined herein or the weight of the controlled substance as set forth herein as appropriate:

"Dosage unit (d.u.)" means a tablet or capsule, or in the case of a liquid solution, one (1) milliliter. In the case of lysergic acid diethylamide (LSD) the term, "dosage unit" means a stamp, square, dot, microdot, tablet or capsule of a controlled substance.

For any controlled substance that does not fall within the definition of the term "dosage unit," the penalties shall be based upon the weight of the controlled substance.

The weight set forth refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance.

If a mixture or substance contains more than one (1) controlled substance, the weight of the mixture or substance is assigned to the controlled substance that results in the greater punishment.

A person shall be charged and sentenced as follows for a violation of this subsection with respect to:

(1) A controlled substance classified in Schedule I or II, except marijuana and synthetic cannabinoids:

(A) If less than one-tenth (0.1) gram or two (2) dosage units, the violation is a misdemeanor and punishable by imprisonment for not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both.

(B) If one-tenth (0.1) gram or more or two (2) or more dosage units, but less than two (2) grams or ten (10) dosage units, by imprisonment for not more than three (3) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both.

(C) If two (2) or more grams or ten (10) or more dosage units, but less than ten (10) grams or twenty (20) dosage units, by imprisonment for not more than eight (8) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

(D) If ten (10) or more grams or twenty (20) or more dosage units, but less than thirty (30) grams or forty (40) dosage units, by imprisonment for not less than three (3) years nor more than twenty (20) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both.

(2) (A) Marijuana and synthetic cannabinoids:

1. If thirty (30) grams or less of marijuana or ten (10) grams or less of synthetic cannabinoids, by a fine of

not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00). The provisions of this paragraph (2)(A) may be enforceable by summons if the offender provides proof of identity satisfactory to the arresting officer and gives written promise to appear in court satisfactory to the arresting officer, as directed by the summons. A second conviction under this section within two (2) years is a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00), not more than sixty (60) days in the county jail, and mandatory participation in a drug education program approved by the Division of Alcohol and Drug Abuse of the State Department of Mental Health, unless the court enters a written finding that a drug education program is inappropriate. A third or subsequent conviction under this paragraph (2)(A) within two (2) years is a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) and confinement for not more than six (6) months in the county jail.

Upon a first or second conviction under this paragraph (2)(A), the courts shall forward a report of the conviction to the Mississippi Bureau of Narcotics which shall make and maintain a private, nonpublic record for a period not to exceed two (2) years from the date of conviction. The private, nonpublic record shall be solely for the use of the courts in determining the penalties which attach upon conviction under this paragraph (2)(A) and shall not constitute a criminal record for the purpose of private or

administrative inquiry and the record of each conviction shall be expunged at the end of the period of two (2) years following the date of such conviction;

2. Additionally, a person who is the operator of a motor vehicle, who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than one (1) gram, but not more than thirty (30) grams of marijuana or not more than ten (10) grams of synthetic cannabinoids is guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars ($1,000.00) or confined for not more than ninety (90) days in the county jail, or both. For the purposes of this subsection, such area of the vehicle shall not include the trunk of the motor vehicle or the areas not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers * * *.

(B) Marijuana:

1. If more than thirty (30) grams but less than two hundred fifty (250) grams, by a fine of not more than One Thousand Dollars ($1,000.00), or confinement in the county jail for not more than one (1) year, or both; or by a fine of not more than Three Thousand Dollars ($3,000.00), or imprisonment in the custody of the Department of Corrections for not more than three (3) years, or both;

2. If two hundred fifty (250) or more grams but less than five hundred (500) grams, by imprisonment for not less than two (2) years nor more than eight (8) years or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both;

3. If five hundred (500) or more grams but less than one (1) kilogram, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both;

4. If one (1) kilogram or more but less than five (5) kilograms, by imprisonment for not less than six (6) years nor more than twenty-four (24) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both;

5. If five (5) kilograms or more, by imprisonment for not less than ten (10) years nor more than thirty (30) years or a fine of not more than One Million Dollars ($1,000,000.00), or both.

(C) Synthetic cannabinoids:

1. If more than ten (10) grams but less than twenty (20) grams, by a fine of not more than One Thousand Dollars ($1,000.00), or confinement in the county jail for not more than one (1) year, or both; or by a fine of not more than Three Thousand Dollars ($3,000.00), or imprisonment in the custody of the Department of Corrections for not more than three (3) years, or both;

2. If twenty (20) or more grams but less than forty (40) grams, by imprisonment for not less than two (2) years nor more than eight (8) years or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both;

3. If forty (40) or more grams but less than two hundred (200) grams, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both;

4. If two hundred (200) or more grams, by imprisonment for not less than six (6) years nor more than twenty-four (24) years or a fine of not more than Five Hundred Thousand Dollars ($500,000.00), or both.

(3) A controlled substance classified in Schedule III, IV or V as set out in Sections 41-29-117 through 41-29-121, upon conviction, may be punished as follows:

(A) If less than fifty (50) grams or less than one hundred (100) dosage units, the offense is a misdemeanor and punishable by not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both.

(B) If fifty (50) or more grams or one hundred (100) or more dosage units, but less than one hundred fifty (150) grams or five hundred (500) dosage units, by imprisonment for not less than one (1) year nor more than four (4) years or a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(C) If one hundred fifty (150) or more grams or five hundred (500) or more dosage units, but less than three hundred (300) grams or one thousand (1,000) dosage units, by imprisonment for not less than two (2) years nor more than eight (8) years or a fine of not more than Fifty Thousand Dollars ($50,000.00), or both.

(D) If three hundred (300) or more grams or one thousand (1,000) or more dosage units, but less than five hundred (500) grams or two thousand five hundred (2,500) dosage units, by imprisonment for not less than four (4) years nor more than sixteen (16) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

(d) **Paraphernalia.** (1) Except as otherwise provided under subsection (i) of this section for actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder, it is unlawful for a person who is not authorized by the State Board of Medical Licensure, State Board of Pharmacy, or other lawful authority to use, or to possess with intent to use, paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Any person who violates this subsection (d)(1) is guilty of a misdemeanor and, upon conviction,

may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both; however, no person shall be charged with a violation of this subsection when such person is also charged with the possession of thirty (30) grams or less of marijuana under subsection (c)(2)(A) of this section.

(2) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Law. Except as provided in subsection (d)(3), a person who violates this subsection (d)(2) is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

(3) Any person eighteen (18) years of age or over who violates subsection (d)(2) of this section by delivering or selling paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and, upon conviction, may be confined in the county

jail for not more than one (1) year, or fined not more than One Thousand Dollars ($1,000.00), or both.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as paraphernalia. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, may be confined in the county jail for not more than six (6) months, or fined not more than Five Hundred Dollars ($500.00), or both.

(e) It shall be unlawful for any physician practicing medicine in this state to prescribe, dispense or administer any amphetamine or amphetamine-like anorectics and/or central nervous system stimulants classified in Schedule II, pursuant to Section 41-29-115, for the exclusive treatment of obesity, weight control or weight loss. Any person who violates this subsection, upon conviction, is guilty of a misdemeanor and may be confined for a period not to exceed six (6) months, or fined not more than One Thousand Dollars ($1,000.00), or both.

(f) **Trafficking.** (1) Any person trafficking in controlled substances shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not less than ten (10) years nor more than forty (40) years and shall be fined not less than Five Thousand Dollars ($5,000.00) nor more than One Million Dollars

($1,000,000.00). The ten-year mandatory sentence shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

(2) "Trafficking in controlled substances" as used herein means:

(A) A violation of subsection (a) of this section involving thirty (30) or more grams or forty (40) or more dosage units of a Schedule I or II controlled substance except marijuana and synthetic cannabinoids;

(B) A violation of subsection (a) of this section involving five hundred (500) or more grams or two thousand five hundred (2,500) or more dosage units of a Schedule III, IV or V controlled substance;

(C) A violation of subsection (c) of this section involving thirty (30) or more grams or forty (40) or more dosage units of a Schedule I or II controlled substance except marijuana and synthetic cannabinoids;

(D) A violation of subsection (c) of this section involving five hundred (500) or more grams or two thousand five hundred (2,500) or more dosage units of a Schedule III, IV or V controlled substance; or

(E) A violation of subsection (a) of this section involving one (1) kilogram or more of marijuana or two hundred (200) grams or more of synthetic cannabinoids.

(g) **Aggravated trafficking.** Any person trafficking in Schedule I or II controlled substances, except marijuana and synthetic cannabinoids, of two hundred (200) grams or more shall be guilty of aggravated trafficking and, upon conviction, shall be sentenced to a term of not less than twenty-five (25) years nor more than life in prison and shall be fined not less than Five Thousand Dollars ($5,000.00) nor more than One Million Dollars ($1,000,000.00). The twenty-five-year sentence shall be a mandatory sentence and shall not be reduced or suspended. The person shall not be eligible for probation or parole, the provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

(h) **Sentence mitigation.** (1) Notwithstanding any provision of this section, a person who has been convicted of an offense under this section that requires the judge to impose a prison sentence which cannot be suspended or reduced and is ineligible for probation or parole may, at the discretion of the court, receive a sentence of imprisonment that is no less than twenty-five percent (25%) of the sentence prescribed by the applicable statute. In considering whether to apply the departure from the sentence prescribed, the court shall conclude that:

(A) The offender was not a leader of the criminal enterprise;

(B) The offender did not use violence or a weapon during the crime;

(C) The offense did not result in a death or serious bodily injury of a person not a party to the criminal enterprise; and

(D) The interests of justice are not served by the imposition of the prescribed mandatory sentence.

The court may also consider whether information and assistance were furnished to a law enforcement agency, or its designee, which, in the opinion of the trial judge, objectively should or would have aided in the arrest or prosecution of others who violate this subsection. The accused shall have adequate opportunity to develop and make a record of all information and assistance so furnished.

(2) If the court reduces the prescribed sentence pursuant to this subsection, it must specify on the record the circumstances warranting the departure.

(i) This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 60. Section 41-29-141, Mississippi Code of 1972, is amended as follows:

41-29-141. It is unlawful for any person:

(1) Who is subject to Section 41-29-125 to distribute or dispense a controlled substance in violation of Section 41-29-137;

(2) Who is a registrant under Section 41-29-125 to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this article;

(4) To refuse a lawful entry into any premises for any inspection authorized by this article; or

(5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this article for the purpose of using these substances, or which is used for keeping or selling them in violation of this article.

Any person who violates this section shall, with respect to such violation, be subject to a civil penalty payable to the State of Mississippi of not more than Twenty-five Thousand Dollars ($25,000.00).

In addition to the civil penalty provided in the preceding paragraph, any person who knowingly or intentionally violates this section shall be guilty of a crime and upon conviction thereof may be confined for a period of not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00), or both.

This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 61. Section 41-29-143, Mississippi Code of 1972, is amended as follows:

41-29-143. It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedule I or II, as set out in Sections 41-29-113 and 41-29-115, except pursuant to an order form as required by Section 41-29-135;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person * * *;

(3) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this article, or any record required to be kept by this article; or

(4) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

Any person who violates this section is guilty of a crime and upon conviction may be confined for not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00) or both.

This section does not apply to any of the actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 62. Section 43-21-301, Mississippi Code of 1972, is amended as follows:

43-21-301. (1) No court other than the youth court shall issue an arrest warrant or custody order for a child in a matter in which the youth court has exclusive original jurisdiction but shall refer the matter to the youth court.

(2) Except as otherwise provided, no child in a matter in which the youth court has exclusive original jurisdiction shall be taken into custody by a law enforcement officer, the Department of Human Services, the Department of Child Protection Services, or any other person unless the judge or his designee has issued a custody order to take the child into custody.

(3) The judge or his designee may require a law enforcement officer, the Department of Human Services, the Department of Child Protection Services, or any suitable person to take a child into custody for a period not longer than forty-eight (48) hours, excluding Saturdays, Sundays, and statutory state holidays.

(a) Custody orders under this subsection may be issued if it appears that there is probable cause to believe that:

(i) The child is within the jurisdiction of the court;

(ii) Custody is necessary because of any of the following reasons: the child is in danger of a significant risk of harm, any person would be in danger of a significant risk of harm by the child, to ensure the child's attendance in court at such time as required, or a parent, guardian or custodian is not available to provide for the care and supervision of the child; and

(iii) There is no reasonable alternative to custody.

A finding of probable cause under this subsection (3)(a) shall not be based solely upon a positive drug test of a newborn or parent for marijuana or solely upon the status of a parent as a cardholder under the Mississippi Medical Cannabis Act; however, a finding of probable cause may be based upon an evidence-based finding of harm to the child or a parent's inability to provide for the care and supervision of the child due to the parent's use of marijuana. Probable cause for unlawful use of any controlled substance, except as otherwise provided in this subsection (3)(a) for marijuana, may be based: 1. upon a parent's positive drug test for unlawful use of a controlled substance only if the child is in danger of a significant risk of harm or the parent is unable to provide proper care or supervision of the child because of the unlawful use and there is no reasonable alternative to custody;

and 2. upon a newborn's positive drug screen for a controlled substance that was used unlawfully only if the child is in danger of a significant risk of harm or the parent is unable to provide proper care or supervision of the child because of the unlawful use and there is no reasonable alternative to custody.

(b) Custody orders under this subsection shall be written. In emergency cases, a judge or his designee may issue an oral custody order, but the order shall be reduced to writing within forty-eight (48) hours of its issuance.

(c) Each youth court judge shall develop and make available to law enforcement a list of designees who are available after hours, on weekends and on holidays.

(4) The judge or his designee may order, orally or in writing, the immediate release of any child in the custody of any person or agency. Except as otherwise provided in subsection (3) of this section, custody orders as provided by this chapter and authorizations of temporary custody may be written or oral, but, if oral, reduced to writing within forty-eight (48) hours, excluding Saturdays, Sundays and statutory state holidays. The written order shall:

(a) Specify the name and address of the child, or, if unknown, designate him or her by any name or description by which he or she can be identified with reasonable certainty;

(b) Specify the age of the child, or, if unknown, that he or she is believed to be of an age subject to the jurisdiction of the youth court;

(c) Except in cases where the child is alleged to be a delinquent child or a child in need of supervision, state that the effect of the continuation of the child's residing within his or her own home would be contrary to the welfare of the child, that the placement of the child in foster care is in the best interests of the child, and unless the reasonable efforts requirement is bypassed under Section 43-21-603(7)(c), also state that (i) reasonable efforts have been made to maintain the child within his or her own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody; or (ii) the circumstances are of such an emergency nature that no reasonable efforts have been made to maintain the child within his own home, and that there is no reasonable alternative to custody. If the court makes a finding in accordance with (ii) of this paragraph, the court shall order that reasonable efforts be made toward the reunification of the child with his or her family;

(d) State that the child shall be brought immediately before the youth court or be taken to a place designated by the order to be held pending review of the order;

(e) State the date issued and the youth court by which the order is issued; and

(f) Be signed by the judge or his designee with the title of his office.

(5) The taking of a child into custody shall not be considered an arrest except for evidentiary purposes.

(6) (a) No child who has been accused or adjudicated of any offense that would not be a crime if committed by an adult shall be placed in an adult jail or lockup. An accused status offender shall not be held in secure detention longer than twenty-four (24) hours prior to and twenty-four (24) hours after an initial court appearance, excluding Saturdays, Sundays and statutory state holidays, except under the following circumstances: a status offender may be held in secure detention for violating a valid court order pursuant to the criteria as established by the federal Juvenile Justice and Delinquency Prevention Act of 2002, and any subsequent amendments thereto, and out-of-state runaways may be detained pending return to their home state.

(b) No accused or adjudicated juvenile offender, except for an accused or adjudicated juvenile offender in cases where jurisdiction is waived to the adult criminal court, shall be detained or placed into custody of any adult jail or lockup for a period in excess of six (6) hours.

(c) If any county violates the provisions of paragraph (a) or (b) of this subsection, the state agency authorized to allocate federal funds received pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in

scattered Sections of 5, 18, 42 USCS), shall withhold the county's share of such funds.

(d) Any county that does not have a facility in which to detain its juvenile offenders in compliance with the provisions of paragraphs (a) and (b) of this subsection may enter into a contractual agreement to detain or place into custody the juvenile offenders of that county with any county or municipality that does have such a facility, or with the State of Mississippi, or with any private entity that maintains a juvenile correctional facility.

(e) Notwithstanding the provisions of paragraphs (a), (b), (c) and (d) of this subsection, all counties shall be allowed a one-year grace period from March 27, 1993, to comply with the provisions of this subsection.

SECTION 63. Section 43-21-303, Mississippi Code of 1972, is amended as follows:

43-21-303. (1) No child in a matter in which the youth court has original exclusive jurisdiction shall be taken into custody by any person without a custody order except that:

(a) A law enforcement officer may take a child in custody if:

(i) Grounds exist for the arrest of an adult in identical circumstances; and

(ii) Such law enforcement officer has probable cause to believe that custody is necessary as defined in Section 43-21-301; and

(iii) Such law enforcement officer can find no reasonable alternative to custody; or

(b) A law enforcement officer or an agent of the Department of Child Protection Services or the Department of Human Services may take a child into immediate custody if:

(i) There is probable cause to believe that the child is in immediate danger of personal harm; however, probable cause shall not be based solely upon a positive drug test of a newborn or parent for marijuana or solely upon the status of a parent as a cardholder under the Mississippi Medical Cannabis Act, but a finding of probable cause may be based upon an evidence-based finding of harm to the child or a parent's inability to provide for the care and supervision of the child due to the parent's use of marijuana. Probable cause for unlawful use of any controlled substance, except as otherwise provided in this subparagraph (i) for marijuana, may be based: 1. upon a parent's positive drug test for unlawful use of a controlled substance only if the child is in danger of a significant risk of harm or the parent is unable to provide proper care or supervision of the child because of the unlawful use and there is no reasonable alternative to custody; and 2. upon a newborn's positive drug screen for a controlled substance that was used unlawfully only if

the child is in danger of a significant risk of harm or the parent is unable to provide proper care or supervision of the child because of the unlawful use and there is no reasonable alternative to custody; and

(ii) There is probable cause to believe that immediate custody is necessary as set forth in Section 43-21-301(3); and

(iii) There is no reasonable alternative to custody; and

(c) Any other person may take a child into custody if grounds exist for the arrest of an adult in identical circumstances. Such other person shall immediately surrender custody of the child to the proper law enforcement officer who shall thereupon continue custody only as provided in subsection (1)(a) of this section.

(2) When it is necessary to take a child into custody, the least restrictive custody should be selected.

(3) Unless the child is immediately released, the person taking the child into custody shall immediately notify the judge or his designee. A person taking a child into custody shall also make continuing reasonable efforts to notify the child's parent, guardian or custodian and invite the parent, guardian or custodian to be present during any questioning.

(4) A child taken into custody shall not be held in custody for a period longer than reasonably necessary, but not to exceed

twenty-four (24) hours, and shall be released to his parent, guardian or custodian unless the judge or his designee authorizes temporary custody.

SECTION 64. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance, except as provided in subsection (25) of this section. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is a member of any active or reserve component branch of the United States of America Armed Forces stationed in Mississippi, is the spouse of a member of any active or reserve component branch of the United States of America Armed Forces stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety or a valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the holder;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the

processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

(a) The name, address, place and date of birth, race, sex and occupation of the applicant;

(b) The driver's license number or social security number of applicant;

(c) Any previous address of the applicant for the two (2) years preceding the date of the application;

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.

(5) The applicant shall submit only the following to the Department of Public Safety:

(a) A completed application as described in subsection (4) of this section;

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States, and law enforcement officers employed with a law enforcement agency of a municipality, county or state at the time of application for the license, shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the

applicant to any of the treatment facilities or institutions referred to in subsection (2) of this section and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence, and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice

of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or

revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) Except as provided in subsection (25) of this section, no less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to

each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans, active duty members of the Armed Forces of the United States and law enforcement officers employed with a law enforcement agency of a municipality, county or state at the time of renewal, shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person, except a law enforcement officer as defined in Section 45-6-3 with a distinct license authorized by the Department of Public Safety, to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom;

any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall

authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section.

(a) The Commissioner of Public Safety shall promulgate rules and regulations to provide licenses to law enforcement officers as defined in Section 45-6-3 who choose to obtain a license under the provisions of this section, which shall include a distinction that the officer is an "active duty" law enforcement officer and an endorsement that such officer is authorized to carry in the locations listed in subsection (13). A law enforcement officer shall provide the following information to receive the license described in this subsection: (i) a letter, with the official letterhead of the agency or department for which the officer is employed at the time of application and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(b) The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or

revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued

in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) unless the licensee chooses to have this license combined with a driver's license or identification card under subsection (25) of this section, that

the license itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection

(13) of this section. However, the medical use of medical cannabis by a cardholder who is a registered qualifying patient which is lawful under the provisions of the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder shall not disqualify a person under this subsection (24) solely because the person is prohibited from possessing a firearm under 18 USCS Section 922(g)(3) due to such medical use of medical cannabis.

(25) An applicant for a license under this section shall have the option of, instead of being issued a separate card for the license, having the license appear as a notation on the individual's driver's license or identification card. If the applicant chooses this option, the license issued under this section shall have the same expiration date as the driver's license or identification card, and renewal shall take place at the same time and place as renewal of the driver's license or identification card. The Commissioner of Public Safety shall have the authority to promulgate rules and regulations which may be necessary to ensure the effectiveness of the concurrent application and renewal processes.

SECTION 65. Section 59-23-7, Mississippi Code of 1972, is amended as follows:

59-23-7. (1) It is unlawful for any person to operate a watercraft on the public waters of this state who:

(a) Is under the influence of intoxicating liquor;

(b) Is under the influence of any other substance which has impaired such person's ability to operate a watercraft; or

(c) Has eight one-hundredths percent (.08%) or more by weight volume of alcohol in the person's blood based upon milligrams of alcohol per one hundred (100) cubic centimeters of blood as shown by a chemical analysis of such person's breath, blood or urine administered as authorized by this chapter.

(2) (a) Upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 59-23-5 were given, or where chemical test results are not available, such person shall be fined not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00), or imprisoned for not more than twenty-four (24) hours in jail, or both; and the court shall order such person to attend and complete a boating safety education course developed by the Department of Wildlife, Fisheries and Parks.

(b) Upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars ($600.00) nor more than One Thousand Dollars ($1,000.00) and shall be imprisoned not less than forty-eight (48) consecutive hours nor more than one (1) year or sentenced to community service work for not less than ten (10)

days nor more than one (1) year. The court shall order the person not to operate a watercraft for one (1) year.

(c) For any third conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be fined not less than Eight Hundred Dollars ($800.00) nor more than One Thousand Dollars ($1,000.00) and shall be imprisoned not less than thirty (30) days nor more than one (1) year. The court shall order the person not to operate a watercraft for two (2) years.

(d) Any fourth or subsequent violation of subsection (1) of this section shall be a felony offense and, upon conviction, the offenses being committed within a period of five (5) years, the person shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) and shall be imprisoned not less than ninety (90) days nor more than five (5) years in the custody of the Department of Corrections. The court shall order the person not to operate a watercraft for three (3) years.

(3) Any person convicted of operating any watercraft in violation of subsection (1) of this section where the person (a) refused a law enforcement officer's request to submit to a chemical test, or (b) was unconscious at the time of a chemical test and refused to consent to the introduction of the results of such test in any prosecution, shall be punished consistent with the penalties prescribed herein for persons submitting to the test

and the court shall order the person not to operate a watercraft for the time periods specified in subsection (2) of this section.

(4) Any person who operates any watercraft in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other member or limb of another shall, upon conviction, be guilty of a felony and shall be committed to the custody of the Department of Corrections for a period of time not to exceed ten (10) years.

(5) Upon conviction of any violation of subsection (1) of this section, the judge shall cause a copy of the citation and any other pertinent documents concerning the conviction to be sent immediately to the Mississippi Department of Wildlife, Fisheries and Parks and the Department of Marine Resources. A copy of the citation or other pertinent documents, having been attested as true and correct by the Director of the Mississippi Department of Wildlife, Fisheries and Parks, or his designee, or the Director of the Department of Marine Resources, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section.

(6) The provisions of this section are fully applicable to any person who is under the influence of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in

compliance with rules and regulations adopted thereunder which has impaired the person's ability to operate a watercraft.

SECTION 66. Section 63-11-30, Mississippi Code of 1972, is amended as follows:

63-11-30. (1) It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person:

(a) Is under the influence of intoxicating liquor;

(b) Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle;

(c) Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or

(d) Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of:

(i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law;

(ii) Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or

(iii) Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.

(2) Except as otherwise provided in subsection (3) of this section (Zero Tolerance for Minors):

(a) **First offense DUI.** (i) Upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests under Section 63-11-5 were given, or where chemical test results are not available, the person shall be fined not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00), or imprisoned for not more than forty-eight (48) hours in jail, or both; the court shall order the person to attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months of sentencing. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail.

(ii) Suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) A qualifying first offense may be nonadjudicated by the court under subsection (14) of this section. The holder of a commercial driver's license or a commercial learning permit at the time of the offense is ineligible for nonadjudication.

(iv) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23.

(b) **Second offense DUI.** (i) Upon any second conviction of any person violating subsection (1) of this section,

the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor, fined not less than Six Hundred Dollars ($600.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), shall be imprisoned not less than five (5) days nor more than six (6) months and sentenced to community service work for not less than ten (10) days nor more than six (6) months. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.

(ii) Suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23.

(c) **Third offense DUI.** (i) For a third conviction of a person for violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections. For any offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail rather than in the State Penitentiary at the discretion of the circuit court judge. The minimum

penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.

(ii) The suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) The suspension of regular driving privileges is governed by Section 63-11-23.

(d) **Fourth and subsequent offense DUI.** (i) For any fourth or subsequent conviction of a violation of subsection (1) of this section, without regard to the time period within which the violations occurred, the person shall be guilty of a felony and fined not less than Three Thousand Dollars ($3,000.00) nor more than Ten Thousand Dollars ($10,000.00), and shall serve not less than two (2) years nor more than ten (10) years in the custody of the Department of Corrections.

(ii) The suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) A person convicted of a fourth or subsequent offense is ineligible to exercise the privilege to operate a motor vehicle that is not equipped with an ignition-interlock device for ten (10) years.

(e) Any person convicted of a second or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of the assessment is determined to be in need of treatment for alcohol or

drug abuse, the person must successfully complete treatment at a program site certified by the Department of Mental Health. Each person who receives a diagnostic assessment shall pay a fee representing the cost of the assessment. Each person who participates in a treatment program shall pay a fee representing the cost of treatment.

(f) The use of ignition-interlock devices is governed by Section 63-11-31.

(3) **Zero Tolerance for Minors.** (a) This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration of two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%). If the person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.

(b) (i) A person under the age of twenty-one (21) is eligible for nonadjudication of a qualifying first offense by the court pursuant to subsection (14) of this section.

(ii) Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, the person shall be fined Two Hundred Fifty Dollars ($250.00); the court shall order the person to attend and

complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months. The court may also require attendance at a victim impact panel.

(c) A person under the age of twenty-one (21) years who is convicted of a second violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than Five Hundred Dollars ($500.00).

(d) A person under the age of twenty-one (21) years who is convicted of a third or subsequent violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than One Thousand Dollars ($1,000.00).

(e) License suspension is governed by Section 63-11-23 and ignition interlock is governed by Section 63-11-31.

(f) Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section must complete treatment of an alcohol or drug abuse program at a site certified by the Department of Mental Health.

(4) **DUI test refusal.** In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of the person's breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of the test in any prosecution, shall suffer an

additional administrative suspension of driving privileges as set forth in Section 63-11-23.

(5) **Aggravated DUI.** (a) Every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any person charged with causing the death of another as described in this subsection shall be required to post bail before being released after arrest.

(b) A holder of a commercial driver's license who is convicted of operating a commercial motor vehicle with an alcohol concentration of eight one- * * *<u>hundredths</u> percent (.08%) or more shall be guilty of a felony and shall be committed to the custody of the Department of Corrections for not less than two (2) years and not more than ten (10) years.

(c) The court shall order an ignition-interlock restriction on the offender's privilege to drive as a condition of probation or post-release supervision not to exceed five (5) years unless a longer restriction is required under other law. The ignition-interlock restriction shall not be applied to commercial license privileges until the driver serves the full disqualification period required by Section 63-1-216.

(6) **DUI citations.** (a) Upon conviction of a violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The court clerk must immediately send a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction or other order of the court, to the Department of Public Safety as provided in Section 63-11-37.

(b) A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section. The Department of

Public Safety shall maintain a central database for verification of prior offenses and convictions.

(7) **Out-of-state prior convictions.** Convictions in another state, territory or possession of the United States, or under the law of a federally recognized Native American tribe, of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring within five (5) years before an offense shall be counted for the purposes of determining if a violation of subsection (1) of this section is a second, third, fourth or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.

(8) **Charging of subsequent offenses.** (a) For the purposes of determining how to impose the sentence for a second, third, fourth or subsequent conviction under this section, the affidavit or indictment shall not be required to enumerate previous convictions. It shall only be necessary that the affidavit or indictment states the number of times that the defendant has been convicted and sentenced within the past five (5) years for a second or third offense, or without a time limitation for a fourth or subsequent offense, under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be

considered in calculating offenses to determine a second, third, fourth or subsequent offense of this section.

(b) Before a defendant enters a plea of guilty to an offense under this section, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center record have been searched for all prior convictions, nonadjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle. The results of the search must be included in the certification.

(9) **License eligibility for underage offenders.** A person who is under the legal age to obtain a license to operate a motor vehicle at the time of the offense and who is convicted under this section shall not be eligible to receive a driver's license until the person reaches the age of eighteen (18) years.

(10) **License suspensions and restrictions to run consecutively.** Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of subsection (1) of this section shall run consecutively to and not concurrently with any other administrative license suspension.

(11) **Ignition interlock.** If the court orders installation and use of an ignition-interlock device as provided in Section 63-11-31 for every vehicle operated by a person convicted or

nonadjudicated under this section, each device shall be installed, maintained and removed as provided in Section 63-11-31.

(12) **DUI child endangerment.** A person over the age of twenty-one (21) who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:

(a) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars ($1,000.00) or shall be imprisoned for not more than twelve (12) months, or both;

(b) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand

Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) or shall be imprisoned for one (1) year, or both;

(c) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars ($10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and

(d) A person who commits a violation of this subsection which results in the serious injury or death of a child, without regard to whether the offense was a first, second, third or subsequent offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars ($10,000.00) and shall be imprisoned for not less than five (5) years nor more than twenty-five (25) years.

(13) **Expunction.** (a) Any person convicted under subsection (2) or (3) of this section of a first offense of driving under the influence and who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense may petition the circuit court of the county in which the conviction was had for an order to expunge the record of the conviction at least five (5) years after successful completion of all terms and conditions of the sentence imposed for the conviction. Expunction under this subsection will only be available to a person:

(i) Who has successfully completed all terms and conditions of the sentence imposed for the conviction;

(ii) Who did not refuse to submit to a test of his blood or breath;

(iii) Whose blood alcohol concentration tested below sixteen one-hundredths percent (.16%) if test results are available;

(iv) Who has not been convicted of and does not have pending any other offense of driving under the influence;

(v) Who has provided the court with justification as to why the conviction should be expunged; and

(vi) Who has not previously had a nonadjudication or expunction of a violation of this section.

(b) A person is eligible for only one (1) expunction under this subsection, and the Department of Public Safety shall maintain a permanent confidential registry of all cases of expunction under this subsection for the sole purpose of determining a person's eligibility for expunction, for nonadjudication, or as a first offender under this section.

(c) The court in its order of expunction shall state in writing the justification for which the expunction was granted and forward the order to the Department of Public Safety within five (5) days of the entry of the order.

(14) **Nonadjudication.** (a) For the purposes of this chapter, "nonadjudication" means that the court withholds

adjudication of guilt and sentencing, either at the conclusion of a trial on the merits or upon the entry of a plea of guilt by a defendant, and places the defendant in a nonadjudication program conditioned upon the successful completion of the requirements imposed by the court under this subsection.

(b) A person is eligible for nonadjudication of an offense under this Section 63-11-30 only one (1) time under any provision of a law that authorizes nonadjudication and only for an offender:

(i) Who has successfully completed all terms and conditions imposed by the court after placement of the defendant in a nonadjudication program;

(ii) Who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense;

(iii) Who has not previously been convicted of and does not have pending any former or subsequent charges under this section; and

(iv) Who has provided the court with justification as to why nonadjudication is appropriate.

(c) Nonadjudication may be initiated upon the filing of a petition for nonadjudication or at any stage of the proceedings in the discretion of the court; the court may withhold adjudication of guilt, defer sentencing, and upon the agreement of the offender to participate in a nonadjudication program, enter an

order imposing requirements on the offender for a period of court supervision before the order of nonadjudication is entered. Failure to successfully complete a nonadjudication program subjects the person to adjudication of the charges against him and to imposition of all penalties previously withheld due to entrance into a nonadjudication program. The court shall immediately inform the commissioner of the conviction as required in Section 63-11-37.

(i) The court shall order the person to:

1. Pay the nonadjudication fee imposed under Section 63-11-31 if applicable;

2. Pay all fines, penalties and assessments that would have been imposed for conviction;

3. Attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months of the date of the order;

4. a. If the court determines that the person violated this section with respect to alcohol or intoxicating liquor, the person must install an ignition-interlock device on every motor vehicle operated by the person, obtain an interlock-restricted license, and maintain that license for one hundred twenty (120) days or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person must not operate any vehicle.

b. If the court determines that the person violated this section by operating a vehicle when under the influence of a substance other than alcohol that has impaired the person's ability to operate a motor vehicle, including any drug or controlled substance which is unlawful to possess under the Mississippi Controlled Substances Law, the person must submit to a one-hundred-twenty-day period of a nonadjudication program that includes court-ordered drug testing at the person's own expense not less often than every thirty (30) days, during which time the person may drive if compliant with the terms of the program, or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person will not operate any vehicle.

(ii) Other conditions that may be imposed by the court include, but are not limited to, alcohol or drug screening, or both, proof that the person has not committed any other traffic violations while under court supervision, proof of immobilization or impoundment of vehicles owned by the offender if required, and attendance at a victim-impact panel.

(d) The court may enter an order of nonadjudication only if the court finds, after a hearing or after ex parte examination of reliable documentation of compliance, that the offender has successfully completed all conditions imposed by law and previous orders of the court. The court shall retain

jurisdiction over cases involving nonadjudication for a period of not more than two (2) years.

(e) (i) The clerk shall immediately forward a record of every person placed in a nonadjudication program and of every nonadjudication order to the Department of Public Safety for inclusion in the permanent confidential registry of all cases that are nonadjudicated under this subsection (14).

(ii) Judges, clerks and prosecutors involved in the trial of implied consent violations and law enforcement officers involved in the issuance of citations for implied consent violations shall have secure online access to the confidential registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case and 1. is therefore ineligible for another nonadjudication; 2. is ineligible as a first offender for a violation of this section; or 3. is ineligible for expunction of a conviction of a violation of this section.

(iii) The Driver Services Bureau of the department shall have access to the confidential registry for the purpose of determining whether a person is eligible for a form of license not restricted to operating a vehicle equipped with an ignition-interlock device.

(iv) The Mississippi Alcohol Safety Education Program shall have secure online access to the confidential registry for research purposes only.

(15) The provisions of this section are fully applicable to any person who is under the influence of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder which has impaired the person's ability to operate a motor vehicle.

SECTION 67. Section 71-3-7, Mississippi Code of 1972, is amended as follows:

71-3-7. (1) Compensation shall be payable for disability or death of an employee from injury or occupational disease arising out of and in the course of employment, without regard to fault as to the cause of the injury or occupational disease. An occupational disease shall be deemed to arise out of and in the course of employment when there is evidence that there is a direct causal connection between the work performed and the occupational disease. In all claims in which no benefits, including disability, death and medical benefits, have been paid, the claimant shall file medical records in support of his claim for benefits when filing a petition to controvert. If the claimant is unable to file the medical records in support of his claim for benefits at the time of filing the petition to controvert because of a limitation of time established by Section 71-3-35 or Section 71-3-53, the claimant shall file medical records in support of his claim within sixty (60) days after filing the petition to controvert.

(2) Where a preexisting physical handicap, disease, or lesion is shown by medical findings to be a material contributing factor in the results following injury, the compensation which, but for this subsection, would be payable shall be reduced by that proportion which such preexisting physical handicap, disease, or lesion contributed to the production of the results following the injury. The preexisting condition does not have to be occupationally disabling for this apportionment to apply.

(3) The following provisions shall apply to subsections (1) and (2) of this section:

(a) Apportionment shall not be applied until the claimant has reached maximum medical recovery.

(b) The employer or carrier does not have the power to determine the date of maximum medical recovery or percentage of apportionment. This must be done by the attorney-referee, subject to review by the commission as the ultimate finder of fact.

(c) After the date the claimant reaches maximum medical recovery, weekly compensation benefits and maximum recovery shall be reduced by that proportion which the preexisting physical handicap, disease, or lesion contributes to the results following injury.

(d) If maximum medical recovery has occurred before the hearing and order of the attorney-referee, credit for excess payments shall be allowed in future payments. Such allowances and method of accomplishment of the same shall be determined by the

attorney-referee, subject to review by the commission. However, no actual repayment of such excess shall be made to the employer or carrier.

(4) No compensation shall be payable if the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or intoxication due to the use of alcohol of the employee was the proximate cause of the injury, or if it was the willful intention of the employee to injure or kill himself or another.

(5) Every employer to whom this chapter applies shall be liable for and shall secure the payment to his employees of the compensation payable under its provisions.

(6) In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor, unless the subcontractor has secured such payment.

SECTION 68. Section 71-3-121, Mississippi Code of 1972, is amended as follows:

71-3-121. (1) In the event that an employee sustains an injury at work or asserts a work-related injury, the employer shall have the right to administer drug and alcohol testing or require that the employee submit himself to drug and alcohol

testing. If the employee has a positive test indicating the presence, at the time of injury, of any drug illegally used or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or eight one-hundredths percent (.08%) or more by weight volume of alcohol in the person's blood, it shall be presumed that the proximate cause of the injury was the use of a drug illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or the intoxication due to the use of alcohol by the employee. If the employee refuses to submit himself to drug and alcohol testing immediately after the alleged work-related injury, then it shall be presumed that the employee was using a drug illegally, or was using a valid prescription medication(s) contrary to the prescriber's instructions and/or contrary to label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or was intoxicated due to the use of alcohol at the time of the accident and that the proximate cause of the injury was the use of a drug illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to

label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or the intoxication due to the use of alcohol of the employee. The burden of proof will then be placed upon the employee to prove that the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or intoxication due to the use of alcohol was not a contributing cause of the accident in order to defeat the defense of the employer provided under Section 71-3-7.

(2) The results of the drug and alcohol tests, employer-administered or otherwise, shall be considered admissible evidence solely on the issue of causation in the determination of the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the use of medical cannabis in accordance with the Mississippi Medical Cannabis Act and rules and regulations adopted thereunder, or the intoxication due to the use of alcohol of an employee at the time of injury for workers' compensation purposes under Section 71-3-7.

(3) No cause of action for defamation of character, libel, slander or damage to reputation arises in favor of any person against an employer under the provisions of this section.

SECTION 69. Section 73-15-29, Mississippi Code of 1972, is amended as follows:

73-15-29. (1) The board shall have power to revoke, suspend or refuse to renew any license issued by the board, or to revoke or suspend any privilege to practice, or to deny an application for a license, or to fine, place on probation and/or discipline a licensee, in any manner specified in this article, upon proof that such person:

(a) Has committed fraud or deceit in securing or attempting to secure such license;

(b) Has been convicted of a felony, or a crime involving moral turpitude or has had accepted by a court a plea of nolo contendere to a felony or a crime involving moral turpitude (a certified copy of the judgment of the court of competent jurisdiction of such conviction or pleas shall be prima facie evidence of such conviction);

(c) Has negligently or willfully acted in a manner inconsistent with the health or safety of the persons under the licensee's care;

(d) Has had a license or privilege to practice as a registered nurse or a licensed practical nurse suspended or revoked in any jurisdiction, has voluntarily surrendered such license or privilege to practice in any jurisdiction, has been placed on probation as a registered nurse or licensed practical nurse in any jurisdiction or has been placed under a disciplinary

order(s) in any manner as a registered nurse or licensed practical nurse in any jurisdiction, (a certified copy of the order of suspension, revocation, probation or disciplinary action shall be prima facie evidence of such action);

(e) Has negligently or willfully practiced nursing in a manner that fails to meet generally accepted standards of such nursing practice;

(f) Has negligently or willfully violated any order, rule or regulation of the board pertaining to nursing practice or licensure;

(g) Has falsified or in a repeatedly negligent manner made incorrect entries or failed to make essential entries on records;

(h) Is addicted to or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, or has misappropriated any medication;

(i) Has a physical, mental or emotional condition that renders the licensee unable to perform nursing services or duties with reasonable skill and safety;

(j) Has engaged in any other conduct, whether of the same or of a different character from that specified in this article, that would constitute a crime as defined in Title 97 of the Mississippi Code of 1972, as now or hereafter amended, and

that relates to such person's employment as a registered nurse or licensed practical nurse;

(k) Engages in conduct likely to deceive, defraud or harm the public;

(l) Engages in any unprofessional conduct as identified by the board in its rules;

(m) Has violated any provision of this article; or

(n) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, 2025.

(2) When the board finds any person unqualified because of any of the grounds set forth in subsection (1) of this section, it may enter an order imposing one or more of the following penalties:

(a) Denying application for a license or other authorization to practice nursing or practical nursing;

(b) Administering a reprimand;

(c) Suspending or restricting the license or other authorization to practice as a registered nurse or licensed practical nurse for up to two (2) years without review;

(d) Revoking the license or other authorization to practice nursing or practical nursing;

(e) Requiring the disciplinee to submit to care, counseling or treatment by persons and/or agencies approved or

designated by the board as a condition for initial, continued or renewed licensure or other authorization to practice nursing or practical nursing;

(f) Requiring the disciplinee to participate in a program of education prescribed by the board as a condition for initial, continued or renewed licensure or other authorization to practice;

(g) Requiring the disciplinee to practice under the supervision of a registered nurse for a specified period of time; or

(h) Imposing a fine not to exceed Five Hundred Dollars ($500.00).

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license or privilege to practice of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license or privilege to practice for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the

provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(4) If the public health, safety or welfare imperatively requires emergency action and the board incorporates a finding to that effect in an order, the board may order summary suspension of a license pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined by the board.

(5) The board may establish by rule an alternative to discipline program for licensees who have an impairment as a result of substance abuse or a mental health condition, which program shall include at least the following components:

(a) Participation in the program is voluntary with the licensee, and the licensee must enter the program before the board holds a disciplinary action hearing regarding the licensee;

(b) The full cost of participation in the program, including the cost of any care, counseling, treatment and/or education received by the licensee, shall be borne by the licensee;

(c) All of the procedures and records regarding the licensee's participation in the program shall be confidential, shall not be disclosed and shall be exempt from the provisions of the Mississippi Public Records Act of 1983; and

(d) A licensee may not participate in the program more often than one (1) time during any period of five (5) years or such longer period as set by the board.

(6) A nurse practitioner who provides a written certification as authorized under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder shall not be subject to any disciplinary action under this section solely due to providing the written certification.

SECTION 70. Section 73-19-23, Mississippi Code of 1972, is amended as follows:

73-19-23. (1) (a) The board shall refuse to grant a certificate of licensure to any applicant and may cancel, revoke or suspend the operation of any certificate by it granted for any or all of the following reasons: unprofessional and unethical conduct or the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits, or stimulants, narcotics, or any other substance that impairs the intellect and judgment to such an extent as to incapacitate one for the performance of the duties of an optometrist. The certificate of licensure of any person can be revoked for violating any section of this chapter.

(b) The board shall conduct a criminal history records check on licensure applicants and on licensees whose licenses are subject to investigation.

(i) The applicant or licensee shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant or licensee shall submit a full set of the applicant's fingerprints in a form or manner prescribed by the board, which shall be forwarded to the Bureau of Investigation Identification Division for this purpose.

(ii) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or licensee or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(iii) The board shall provide to the department the fingerprints of the applicant or licensee, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal

records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(iv) The board shall charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

(2) The board shall further be authorized to take disciplinary action against a licensee for any unlawful acts, which shall include violations of regulations promulgated by the board, as well as the following acts:

(a) Fraud or misrepresentation in applying for or procuring an optometric license or in connection with applying for or procuring periodic renewal of an optometric license.

(b) Cheating on or attempting to subvert the optometric licensing examination(s).

(c) The conviction of a felony in this state or any other jurisdiction, or the entry of a guilty or nolo contendere plea to a felony charge.

(d) The conviction of a felony as defined by federal law, or the entry of a guilty or nolo contendere plea to a felony charge.

(e) Conduct likely to deceive, defraud or harm the public.

(f) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, device, treatment or remedy prescribed by him or her or used at his or her direction in the treatment of any disease or other condition.

(g) Willfully or negligently violating the confidentiality between doctor and patient, except as required by law.

(h) Negligence or gross incompetence in the practice of optometry as determined by the board.

(i) Being found to be a person with mental illness or with an intellectual disability by any court of competent jurisdiction.

(j) The use of any false, fraudulent, deceptive or misleading statement in any document connected with the practice of optometry.

(k) Aiding or abetting the practice of optometry by an unlicensed, incompetent or impaired person.

(l) Commission of any act of sexual abuse, misconduct or exploitation related to the licensee's practice of optometry.

(m) Being addicted or habituated to a drug or intoxicant.

(n) Violating any state or federal law or regulation relating to a drug legally classified as a controlled substance.

(o) Obtaining any fee by fraud, deceit or misrepresentation.

(p) Disciplinary action of another state or jurisdiction against a licensee or other authorization to practice optometry based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this chapter, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof.

(q) Failure to report to the board the relocation of his or her office in or out of the jurisdiction, or to furnish floor plans as required by regulation.

(r) Violation of any provision(s) of the Optometry Practice Act or the rules and regulations of the board or of an action, stipulation or agreement of the board.

(s) To advertise in a manner that tends to deceive, mislead or defraud the public.

(t) The designation of any person licensed under this chapter, other than by the terms "optometrist," "Doctor of Optometry" or "O.D.," which through June 30, 2025, shall include any violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners.

(u) To knowingly submit or cause to be submitted any misleading, deceptive or fraudulent representation on a claim form, bill or statement.

(v) To practice or attempt to practice optometry while his or her license is suspended.

(3) Any person who is a holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure, against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing in Jackson, Mississippi, before the board, at which hearing he may be represented by counsel. At the hearing, witnesses may be examined for and against the accused respecting those charges, and the hearing orders or appeals will be conducted according to the procedure now provided in Section 73-25-27. The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be removed when the holder of the certificate has been adjudged by the board to be cured and capable of practicing optometry.

(4) In addition to the reasons specified in subsections (1) and (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any

conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(5) A licensee who provides a written certification as authorized under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder shall not be subject to any disciplinary action under this section solely due to providing the written certification.

SECTION 71. Section 73-21-127, Mississippi Code of 1972, is amended as follows:

73-21-127. (1) The Board of Pharmacy shall develop and implement a computerized program to track prescriptions for controlled substances and to report suspected abuse and misuse of controlled substances in compliance with the federal regulations promulgated under authority of the National All Schedules Prescription Electronic Reporting Act of 2005 and in compliance with the federal HIPAA law, under the following conditions:

(a) Submission or reporting of dispensing information shall be mandatory and required by the State Board of Pharmacy for any entity dispensing controlled substances in or into the State of Mississippi, except for the dispensing of controlled substance drugs by a veterinarian residing in the State of Mississippi.

(b) The prescriptions tracked shall be prescriptions for controlled substances listed in Schedule II, III, IV or V and specified noncontrolled substances identified by the State Board

of Pharmacy that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location.

(c) The Board of Pharmacy shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide them with the relevant information obtained for further investigation.

(d) The program shall provide information regarding the potential inappropriate use of controlled substances and the specified noncontrolled substances to practitioners, pharmacists-in-charge and appropriate state agencies in order to prevent the inappropriate or illegal use of these controlled substances. The specific purposes of the program shall be to: be proactive in safeguarding public health and safety; support the legitimate use of controlled substances; facilitate and encourage the identification, intervention with and treatment of individuals addicted to controlled substances and specified noncontrolled drugs; identify and prevent drug diversion; provide assistance to those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.

(e) (i) Access to collected data shall be confidential and not subject to the provisions of the federal Freedom of Information Act or the Mississippi Public Records Act. Upon request, the State Board of Pharmacy shall provide collected information to: pharmacists or practitioners who are properly registered with the State Board of Pharmacy and are authorized to prescribe or dispense controlled substances for the purpose of providing medical and pharmaceutical care for their patients; local, state and federal law enforcement officials engaged in the administration, investigation or enforcement of the laws governing illicit drug use; regulatory and licensing boards in this state; Division of Medicaid regarding Medicaid and Medicare Program recipients; judicial authorities under grand jury subpoena; an individual who requests the individual's own prescription monitoring information; and prescription monitoring programs in other states through mutual agreement adhering to State Board of Pharmacy policies.

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating the potential illegal acquisition, distribution, dispensing, prescribing or administering of the controlled and noncontrolled substances monitored by the program, subject to all legal restrictions on further dissemination of the information obtained.

(iii) The State Board of Pharmacy may also provide statistical data for research or educational purposes if the board determines the use of the data to be of significant benefit to public health and safety. The board maintains the right to refuse any request for PMP data.

(iv) A pharmacist licensed by the Mississippi Board of Pharmacy must be a registered user of the PMP. Failure of a pharmacist licensed by the Mississippi Board of Pharmacy to register as a user of the PMP is grounds for disciplinary action by the board.

(v) All licensed practitioners as defined under Section 73-21-73(ee) holding an active DEA number shall register as users of the PMP.

(f) The Prescription Monitoring Program through the Board of Pharmacy may:

(i) Establish the cost of administration, maintenance, and operation of the program and charge to like agencies a fee based on a formula to be determined by the board with collaboration and input from participating agencies; and

(ii) Assess charges for information and/or statistical data provided to agencies, institutions and individuals. The amounts of those fees shall be set by the Executive Director of the Board of Pharmacy based on the recommendation of the Director of the PMP.

All such fees collected shall be deposited into the special fund of the State Board of Pharmacy and used to support the operations of the PMP.

(g) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug-monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and 73-21-103. Any misuse of the PMP is subject to penalties as provided in Sections 73-21-97 and 73-21-103.

(h) The Board of Pharmacy and the Prescription Monitoring Program shall be immune from civil liability arising from inaccuracy of any of the information submitted to the program.

(i) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y), and any person defined as a "practitioner" under Section 73-21-73(ee).

(j) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.

(2) In addition to receiving the dispensing information regarding controlled substances as provided in subsection (1) of this section, the State Board of Pharmacy shall receive and maintain in the Prescription Monitoring Program (a) the medical cannabis dispensing information that medical cannabis dispensaries under the Mississippi Medical Cannabis Act are required to report to the PMP under Section 17 of this act, and (b) any other medical cannabis dispensing information that dispensaries are required to report to the PMP. The medical cannabis dispensing information reported by medical cannabis dispensaries under Section 17 of this act shall not be considered to be a prescription for the purposes of the Mississippi Pharmacy Practice Act or the Uniform Controlled Substances Law.

SECTION 72. Section 73-25-29, Mississippi Code of 1972, is amended as follows:

73-25-29. The grounds for the nonissuance, suspension, revocation or restriction of a license or the denial of reinstatement or renewal of a license are:

(1) Habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability.

(2) Habitual use of intoxicating liquors, or any beverage, to an extent which affects professional competency.

(3) Administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or

addiction-sustaining liability otherwise than in the course of legitimate professional practice.

(4) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(5) Procuring, or attempting to procure, or aiding in, an abortion that is not medically indicated.

(6) Conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(7) Obtaining or attempting to obtain a license by fraud or deception.

(8) Unprofessional conduct, which includes, but is not limited to:

(a) Practicing medicine under a false or assumed name or impersonating another practitioner, living or dead.

(b) Knowingly performing any act which in any way assists an unlicensed person to practice medicine.

(c) Making or willfully causing to be made any flamboyant claims concerning the licensee's professional excellence.

(d) Being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

(e) Obtaining a fee as personal compensation or gain from a person on fraudulent representation of a disease or injury condition generally considered incurable by competent medical authority in the light of current scientific knowledge and practice can be cured or offering, undertaking, attempting or agreeing to cure or treat the same by a secret method, which he refuses to divulge to the board upon request.

(f) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate.

(g) Failing to identify a physician's school of practice in all professional uses of his name by use of his earned degree or a description of his school of practice.

(9) The refusal of a licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice medicine in that jurisdiction or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state

or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(10) Surrender of a license or authorization to practice medicine in another state or jurisdiction or surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this section.

(11) Final sanctions imposed by the United States Department of Health and Human Services, Office of Inspector General or any successor federal agency or office, based upon a finding of incompetency, gross misconduct or failure to meet professionally recognized standards of health care; a certified copy of the notice of final sanction being prima facie evidence thereof. As used in this paragraph, the term "final sanction" means the written notice to a physician from the United States Department of Health and Human Services, Officer of Inspector General or any successor federal agency or office, which implements the exclusion.

(12) Failure to furnish the board, its investigators or representatives information legally requested by the board.

(13) Violation of any provision(s) of the Medical Practice Act or the rules and regulations of the board or of any order, stipulation or agreement with the board.

(14) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners.

(15) Performing or inducing an abortion on a woman in violation of any provision of Sections 41-41-131 through 41-41-145.

(16) Performing an abortion on a pregnant woman after determining that the unborn human individual that the pregnant woman is carrying has a detectable fetal heartbeat as provided in Section 41-41-34.1.

In addition to the grounds specified above, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

A physician who provides a written certification as authorized under the Mississippi Medical Cannabis Act and in

compliance with rules and regulations adopted thereunder shall not be subject to any disciplinary action under this section solely due to providing the written certification.

SECTION 73. Section 83-9-22, Mississippi Code of 1972, is amended as follows:

83-9-22. (1) (a) Notwithstanding any other provision of the law to the contrary, except as otherwise provided in subsection (3) of this section, no health coverage plan shall restrict coverage for medically appropriate treatment prescribed by a physician and agreed to by a fully informed insured, or if the insured lacks legal capacity to consent by a person who has legal authority to consent on his or her behalf, based on an insured's diagnosis with a terminal condition. Refusing to pay for treatment rendered to an insured near the end of life that is consistent with best practices for treatment of a disease or condition, approved uses of a drug or device, or uses supported by peer reviewed medical literature, is a per se violation of this section.

(b) Violations of this section shall constitute an unfair trade practice and subject the violator to the penalties provided by law.

(c) As used in this section "terminal condition" means any aggressive malignancy, chronic end-stage cardiovascular or cerebral vascular disease, or any other disease, illness or condition which a physician diagnoses as terminal.

(d) As used in this section, a "health coverage plan" shall mean any hospital, health or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan and the State Health and Life Insurance Plan.

(2) (a) Notwithstanding any other provision of the law to the contrary, no health benefit paid directly or indirectly with state funds, specifically Medicaid, shall restrict coverage for medically appropriate treatment prescribed by a physician and agreed to by a fully informed individual, or if the individual lacks legal capacity to consent by a person who has legal authority to consent on his or her behalf, based on an individual's diagnosis with a terminal condition.

(b) Refusing to pay for treatment rendered to an individual near the end of life that is consistent with best practices for treatment of a disease or condition, approved uses of a drug or device, or uses supported by peer reviewed medical literature, is a per se violation of this section.

(c) As used in this section "terminal condition" means any aggressive malignancy, chronic end-stage cardiovascular or cerebral vascular disease, or any other disease, illness or condition which a physician diagnoses as terminal.

(3) This section does not require a health coverage plan to cover and pay for the treatment of a person who is a cardholder and registered qualifying patient with medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

SECTION 74. Sections 1 through 28 and Sections 30 through 33 of this act shall be codified as a new chapter in Title 41, Mississippi Code of 1972. Section 29 of this act shall be codified as a new chapter in Title 27, Mississippi Code of 1972.

SECTION 75. Section 27-7-22.5, Mississippi Code of 1972, is amended as follows:

27-7-22.5. (1) (a) For any manufacturer, distributor, wholesale or retail merchant who pays to a county, municipality, school district, levee district or any other taxing authority of the state or a political subdivision thereof, ad valorem taxes imposed on commodities, raw materials, works-in-process, products, goods, wares and merchandise held for resale, a credit against the income taxes imposed under this chapter shall be allowed for the portion of the ad valorem taxes so paid in the amounts prescribed in subsection (2).

(b) (i) For any person, firm or corporation who pays to a county, municipality, school district, levee district or any other taxing authority of the state or a political subdivision thereof, ad valorem taxes imposed on rental equipment, a credit against the income taxes imposed under this chapter shall be

allowed for the portion of the ad valorem taxes so paid in the amounts prescribed in subsection (2).

(ii) As used in this paragraph, "rental equipment" means any rental equipment or other rental items which are held for short-term rental to the public:

1. Under rental agreements with no specific term;

2. Under at-will or open-ended agreements; or

3. Under rental agreements with terms ordinarily of less than three hundred sixty-five (365) days; and

4. Is not subject to privilege taxes imposed in Chapter 19, Title 27, Mississippi Code of 1972.

(c) The tax credit allowed by this section may not be claimed by a taxpayer that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(2) The tax credit allowed by this section shall not exceed the amounts set forth in paragraphs (a) through (g) of this subsection; and may be claimed for each location where such commodities, raw material, works-in-process, products, goods, wares, merchandise and/or rental equipment are found and upon which the ad valorem taxes have been paid. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credit was earned.

(a) For the 1994 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Two Thousand Dollars ($2,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(b) For the 1995 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Three Thousand Dollars ($3,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(c) For the 1996 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Four Thousand Dollars ($4,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(d) For the 1997 taxable year and each taxable year thereafter through taxable year 2013, the tax credit for each location of the taxpayer shall not exceed the lesser of Five Thousand Dollars ($5,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(e) For the 2014 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Ten Thousand Dollars ($10,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(f) For the 2015 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Fifteen Thousand Dollars ($15,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(g) For the 2016 taxable year and each taxable year thereafter, the tax credit of the taxpayer shall be the lesser of the amount of the ad valorem taxes described in subsection (1) paid or the amount of income taxes due the State of Mississippi that are attributable to such location.

(3) Any amount of ad valorem taxes paid by a taxpayer that is applied toward the tax credit allowed in this section may not be used as a deduction by the taxpayer for state income tax purposes. In the case of a taxpayer that is a partnership, limited liability company or S corporation, the credit may be applied only to the tax attributable to partnership, limited liability company or S corporation income derived from the taxpayer.

SECTION 76. Section 27-7-22.30, Mississippi Code of 1972, is amended as follows:

27-7-22.30. (1) As used in this section:

(a) "Manufacturing enterprise" means an enterprise that:

(i) Falls within the definition of the term "manufacturer" in Section 27-65-11; and

(ii) Has operated in this state for not less than two (2) years prior to application for the credit authorized by this section * * *.

(b) "Eligible investment" means an investment of at least One Million Dollars ($1,000,000.00) in buildings and/or equipment for the manufacturing enterprise.

The term "manufacturing enterprise" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(2) A manufacturing enterprise is allowed a manufacturing investment tax credit for taxes imposed by Section 27-7-5 equal to five percent (5%) of the eligible investments made by the manufacturing enterprise.

(3) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the eligible investment was made, but the credit established by this section taken in any one tax year shall not exceed fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year reduced by the sum of all other income tax credits allowable to the taxpayer, except credit for tax payments made by or on behalf of the taxpayer.

(4) The maximum credit that may be claimed by a taxpayer on any project shall be limited to One Million Dollars ($1,000,000.00).

(5) The credit received under this section is subject to recapture if the property for which the tax credit was received is disposed of, or converted to, other than business use. The amount

of the credit subject to recapture is one hundred percent (100%) of the credit in the first year and fifty percent (50%) of the credit in the second year. This subsection shall not apply in cases in which an entire facility is sold.

(6) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any manufacturing enterprise may not create new eligibility in any succeeding business entity, but any unused manufacturing investment tax credit may be transferred and continued by any transferee of the enterprise. The * * * department shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(7) No manufacturing enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(8) The credits allowed under this section shall not be used by any business enterprise or corporation other than the manufacturing enterprise actually qualifying for the credits.

SECTION 77. Section 27-31-51, Mississippi Code of 1972, is amended as follows:

27-31-51. (1) As used in Sections 27-31-51 through 27-31-61:

(a) "Warehouse" or "storage facility" shall not apply to caves or cavities in the earth, whether natural or artificial;

(b) "Governing authorities" means the board of supervisors of the county wherein the warehouse or storage facility is located or the governing authorities of the municipality wherein the warehouse or storage facility is located, as the case may be;

(c) "Tax assessor" means the tax assessor of each taxing jurisdiction in which the warehouse or storage facility may be located.

(2) All warehouses, public or private, or other storage facilities in the State of Mississippi regularly engaged in the handling and storage of personal property in structures or in places adopted for such handling and storage which is consigned or transferred to such warehouse or storage facility for storage and handling shall be eligible for licensing under the provisions of Sections 27-31-51 through 27-31-61 as a "free port warehouse." A manufacturer of personal property that maintains separate facilities, structures, places or areas for the temporary storage and handling of such personal property pending transit to a final destination outside the State of Mississippi shall be eligible for licensing under Sections 27-31-51 through 27-31-61 as a "free port warehouse," and any license issued to such a manufacturer before January 1, 2012, is hereby ratified, approved and confirmed. No medical cannabis establishment, as defined in the Mississippi

Medical Cannabis Act, or warehouses, facilities, structures, places or areas belonging to or used by a medical cannabis establishment may be licensed as a free port warehouse.

(3) Such licenses shall be issued by the governing authorities to such warehouse or storage facility as will qualify under the definition of "free port warehouse" as herein defined, upon application by the warehouse or storage facility operator.

SECTION 78. Section 27-31-53, Mississippi Code of 1972, is amended as follows:

27-31-53. All personal property in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Mississippi, (b) which was consigned or transferred to a licensed "free port warehouse," public or private, within the State of Mississippi for storage in transit to a final destination outside the State of Mississippi, whether specified when transportation begins or afterward, (c) manufactured in the State of Mississippi and stored in separate facilities, structures, places or areas maintained by a manufacturer, licensed as a free port warehouse, for temporary storage or handling pending transit to a final destination outside the State of Mississippi, or (d) consigned or transferred to a licensed free port warehouse, public or private, within the State of Mississippi, for storage pending transit to not more than one (1) other location in this state for production or processing into a component or part that is then transported to a final

destination outside of the State of Mississippi, may, in the discretion of the board of supervisors of the county wherein the warehouse or storage facility is located, and in the discretion of the governing authorities of the municipality wherein the warehouse or storage facility is located, as the case may be, be exempt from all ad valorem taxes imposed by the respective county or municipality and the property exempted therefrom shall not be deemed to have acquired a situs in the State of Mississippi for the purposes of such taxation. Any exemption granted to a licensed "free port warehouse" pursuant to this section shall be effective as of the first calendar day of the taxable year in which the warehouse applied for the exemption by virtue of submitting the application for licensure, and shall remain in effect for such period of time as the respective governing authority may prescribe. Such property shall not be deprived of exemption because while in a warehouse the property is bound, divided, broken in bulk, labeled, relabeled or repackaged. Any exemption from ad valorem taxes granted before January 1, 2012, is hereby ratified, approved and confirmed.

The exemption provided for in this section shall not be authorized for any personal property of a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

SECTION 79. Section 27-31-101, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

27-31-101. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered, in their discretion, to grant exemptions from ad valorem taxation, except state ad valorem taxation; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on tangible property used in, or necessary to, the operation of the manufacturers and other new enterprises enumerated by classes in this section, except to the extent authorized in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem taxes the products of the manufacturers or other new enterprises or automobiles and trucks belonging to the manufacturers or other new enterprises operating on and over the highways of the State of Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of

the new enterprise begin. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

(2) Any board of supervisors or municipal authority which has granted an exemption for a period of less than ten (10) years may grant subsequent periods of exemption to run consecutively with the initial exemption period, or a subsequently granted exemption period, but in no case shall the total of the exemption periods granted for a new enterprise exceed ten (10) years. Any consecutive period of exemption shall be granted by entry of an order by the board or the authority granting the consecutive exemption on its minutes, reflecting the granting of the consecutive exemption period and the dates upon which such consecutive exemption period begins and expires. The entry of this order granting the consecutive period of exemption shall be

made before the expiration of the exemption period immediately preceding the consecutive exemption period being granted.

(3) (a) The new enterprises for which any or all of the tangible property described in paragraph (b) of this subsection (3) may be exempt from ad valorem taxation, except state ad valorem taxation, ad valorem taxes for school district purposes, and ad valorem taxes on the products thereof or on automobiles and trucks belonging thereto and operating on and over the highways of the State of Mississippi, are enumerated as and limited to the following, as determined by the Department of Revenue:

(i) Warehouse and/or distribution centers;

(ii) Manufacturing, processors and refineries;

(iii) Research facilities;

(iv) Corporate regional and national headquarters meeting minimum criteria established by the Mississippi Development Authority;

(v) Movie industry studios meeting minimum criteria established by the Mississippi Development Authority;

(vi) Air transportation and maintenance facilities meeting minimum criteria established by the Mississippi Development Authority;

(vii) Recreational facilities that impact tourism meeting minimum criteria established by the Mississippi Development Authority;

(viii) Data/information processing enterprises meeting minimum criteria established by the Mississippi Development Authority;

(ix) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Development Authority;

(x) Health care industry facilities as defined in Section 57-117-3;

(xi) Data centers as defined in Section 57-113-21; and

(xii) Telecommunications enterprises meeting minimum criteria established by the Mississippi Development Authority. The term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

The new enterprises enumerated in this paragraph (a) do not include medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

(b) An exemption from ad valorem taxes granted under this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If an exemption is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor.

(4) Any exemption from ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

[From and after July 1, 2022, this section shall read as follows:]

27-31-101. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered, in their discretion, to grant exemptions from ad valorem taxation, except state ad valorem taxation; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on tangible property used in, or necessary to, the operation of the manufacturers and other new enterprises enumerated by classes in this section, except to the extent authorized in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem taxes the products of the manufacturers or other new enterprises or automobiles and trucks belonging to the manufacturers or other new enterprises operating on and over the highways of the State of Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of

completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of the new enterprise begin. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

(2) Any board of supervisors or municipal authority which has granted an exemption for a period of less than ten (10) years may grant subsequent periods of exemption to run consecutively with the initial exemption period, or a subsequently granted exemption period, but in no case shall the total of the exemption periods granted for a new enterprise exceed ten (10) years. Any consecutive period of exemption shall be granted by entry of an order by the board or the authority granting the consecutive exemption on its minutes, reflecting the granting of the consecutive exemption period and the dates upon which such consecutive exemption period begins and expires. The entry of

this order granting the consecutive period of exemption shall be made before the expiration of the exemption period immediately preceding the consecutive exemption period being granted.

(3) (a) The new enterprises for which any or all of the tangible property described in paragraph (b) of this subsection (3) may be exempt from ad valorem taxation, except state ad valorem taxation, ad valorem taxes for school district purposes, and ad valorem taxes on the products thereof or on automobiles and trucks belonging thereto and operating on and over the highways of the State of Mississippi, are enumerated as and limited to the following, as determined by the Department of Revenue:

(i) Warehouse and/or distribution centers;

(ii) Manufacturing, processors and refineries;

(iii) Research facilities;

(iv) Corporate regional and national headquarters meeting minimum criteria established by the Mississippi Development Authority;

(v) Movie industry studios meeting minimum criteria established by the Mississippi Development Authority;

(vi) Air transportation and maintenance facilities meeting minimum criteria established by the Mississippi Development Authority;

(vii) Recreational facilities that impact tourism meeting minimum criteria established by the Mississippi Development Authority;

(viii) Data/information processing enterprises meeting minimum criteria established by the Mississippi Development Authority;

(ix) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Development Authority;

(x) Data centers as defined in Section 57-113-21; and

(xi) Telecommunications enterprises meeting minimum criteria established by the Mississippi Development Authority. The term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

The new enterprises enumerated in this paragraph (a) do not include medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

(b) An exemption from ad valorem taxes granted under this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If an exemption is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor.

(4) Any exemption from ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

SECTION 80. Section 27-31-104, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

27-31-104. (1) (a) County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for the following:

(i) Projects totaling over Sixty Million Dollars ($60,000,000.00) by any new enterprises enumerated in Section 27-31-101;

(ii) Projects by a private company (as such term is defined in Section 57-61-5) having a minimum capital investment of Sixty Million Dollars ($60,000,000.00);

(iii) Projects by a qualified business (as such term is defined in Section 57-117-3) meeting minimum criteria established by the Mississippi Development Authority;

(iv) Projects, in addition to those projects referenced in Section 27-31-105, totaling over Sixty Million Dollars ($60,000,000.00) by an existing enterprise that has been doing business in the county or municipality for twenty-four (24) months. For purposes of this subparagraph (iv), the term "existing enterprise" includes those enterprises enumerated in Section 27-31-101; or

(v) A private company (as such term is defined in Section 57-61-5) having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) from any source or

combination of sources, provided that a majority of the capital investment is from private sources, when such project is located within a geographic area for which a Presidential Disaster Declaration was issued on or after January 1, 2014.

County boards of supervisors and municipal authorities may not enter into an agreement with an enterprise that is a medical cannabis establishment, as defined in the Mississippi Medical Cannabis Act, granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes.

(b) A fee-in-lieu of ad valorem taxes granted in accordance with this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of any enterprise, private company or business described in paragraph (a) of this subsection (1), as applicable, whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, private company or business, as applicable, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If a fee-in-lieu of ad valorem taxes is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise, private company or business described in paragraph (a)

of this subsection (1), as applicable, the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt and subject to the fee-in-lieu granted in accordance herewith without any action being required to be taken by such owner, lessor or sublessor.

(2) A county board of supervisors may enter into a fee-in-lieu agreement on behalf of the county and any county school district, and a municipality may enter into such a fee-in-lieu agreement on behalf of the municipality and any municipal school district located in the municipality; however, if the project is located outside the limits of a municipality but within the boundaries of the municipal school district, then the county board of supervisors may enter into such a fee-in-lieu agreement on behalf of the school district granting a fee-in-lieu of ad valorem taxes for school district purposes.

(3) Any grant of a fee-in-lieu of ad valorem taxes shall be evidenced by a written agreement negotiated by the enterprise and the county board of supervisors and/or municipal authority, as the case may be, and given final approval by the Mississippi Development Authority as satisfying the requirements of this section.

(4) The minimum sum allowable as a fee-in-lieu shall not be less than one-third (1/3) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as

otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Any fee-in-lieu agreement entered into under this section shall become a binding obligation of the parties to the agreement, be effective upon its execution by the parties and approval by the Mississippi Development Authority and, except as otherwise provided in Section 17-25-23 or Section 57-75-33, or any other provision of law, continue in effect for a period not to exceed thirty (30) years commencing on the date that the fee-in-lieu granted thereunder begins in accordance with the agreement; however, no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than ten (10) years. Any such agreement shall be binding, according to its terms, on future boards of supervisors of the county and/or governing authorities of a municipality, as the case may be, for the duration of the agreement.

(5) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third (1/3) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third (1/3) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(6) Notwithstanding Section 27-31-111, the parties to a fee-in-lieu may agree on terms and conditions providing for the reduction, suspension, termination or reinstatement of a fee-in-lieu agreement or any fee-in-lieu period granted thereunder upon the cessation of operations by project for twelve (12) or more consecutive months or due to other conditions set forth in the agreement.

(7) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member

counties may then apportion the sum allowed between school district purposes and all other county purposes.

(8) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

(9) For a project as defined in Section 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the debt service on bonds issued by the county pursuant to Section 57-75-37(3)(c).

(10) Any fee-in-lieu of ad valorem taxes granted under this section before the effective date of this act, and consistent herewith, is hereby ratified, approved and confirmed.

[From and after July 1, 2022, this section shall read as follows:]

27-31-104. (1) (a) County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for the following:

(i) Projects totaling over Sixty Million Dollars ($60,000,000.00) by any new enterprises enumerated in Section 27-31-101;

(ii) Projects by a private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of Sixty Million Dollars ($60,000,000.00);

(iii) Projects, in addition to those projects referenced in Section 27-31-105, totaling over Sixty Million Dollars ($60,000,000.00) by an existing enterprise that has been doing business in the county or municipality for twenty-four (24) months. For purposes of this subparagraph (iii), the term "existing enterprise" includes those enterprises enumerated in Section 27-31-101; or

(iv) A private company (as such term is defined in Section 57-61-5) having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) from any source or combination of sources, provided that a majority of the capital investment is from private sources, when such project is located within a geographic area for which a Presidential Disaster Declaration was issued on or after January 1, 2014.

County boards of supervisors and municipal authorities may not enter into an agreement with an enterprise that is a medical cannabis establishment, as defined in the Mississippi Medical

Cannabis Act, granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes.

(b) A fee-in-lieu of ad valorem taxes granted in accordance with this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of any enterprise, private company or business described in paragraph (a) of this subsection (1), as applicable, whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, private company or business, as applicable, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If a fee-in-lieu of ad valorem taxes is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise, private company or business described in paragraph (a) of this subsection (1), as applicable, the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt and subject to the fee-in-lieu granted in accordance herewith without any action being required to be taken by such owner, lessor or sublessor.

(2) A county board of supervisors may enter into a fee-in-lieu agreement on behalf of the county and any county school district, and a municipality may enter into such a fee-in-lieu agreement on behalf of the municipality and any municipal school district located in the municipality; however, if the project is located outside the limits of a municipality but within the boundaries of the municipal school district, then the county board of supervisors may enter into such a fee-in-lieu agreement on behalf of the school district granting a fee-in-lieu of ad valorem taxes for school district purposes.

(3) Any grant of a fee-in-lieu of ad valorem taxes shall be evidenced by a written agreement negotiated by the enterprise and the county board of supervisors and/or municipal authority, as the case may be, and given final approval by the Mississippi Development Authority as satisfying the requirements of this section.

(4) The minimum sum allowable as a fee-in-lieu shall not be less than one-third (1/3) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be

less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Any fee-in-lieu agreement entered into under this section shall become a binding obligation of the parties to the agreement, be effective upon its execution by the parties and approval by the Mississippi Development Authority and, except as otherwise provided in Section 17-25-23 or Section 57-75-33, or any other provision of law, continue in effect for a period not to exceed thirty (30) years commencing on the date that the fee-in-lieu granted thereunder begins in accordance with the agreement; however, no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than ten (10) years. Any such agreement shall be binding, according to its terms, on future boards of supervisors of the county and/or governing authorities of a municipality, as the case may be, for the duration of the agreement.

(5) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or

assessed value and shall not be less than one-third (1/3) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third (1/3) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(6) Notwithstanding Section 27-31-111, the parties to a fee-in-lieu may agree on terms and conditions providing for the reduction, suspension, termination or reinstatement of a fee-in-lieu agreement or any fee-in-lieu period granted thereunder upon the cessation of operations by project for twelve (12) or more consecutive months or due to other conditions set forth in the agreement.

(7) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(8) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations

different than the amount provided for in subsection (3) of this section.

(9) For a project as defined in Section 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the annual debt service on bonds issued by the county pursuant to Section 57-75-37(3)(c).

(10) Any fee-in-lieu of ad valorem taxes granted under this section before the effective date of this act, and consistent herewith, is hereby ratified, approved and confirmed.

SECTION 81. Section 27-65-17, Mississippi Code of 1972, is amended as follows:

27-65-17. (1) (a) Except as otherwise provided in this section, upon every person engaging or continuing within this state in the business of selling any tangible personal property whatsoever there is hereby levied, assessed and shall be collected a tax equal to seven percent (7%) of the gross proceeds of the retail sales of the business.

(b) Retail sales of farm tractors and parts and labor used to maintain and/or repair such tractors shall be taxed at the rate of one and one-half percent (1-1/2%) when made to farmers for agricultural purposes.

(c) (i) Retail sales of farm implements sold to farmers and used directly in the production of poultry, ratite, domesticated fish as defined in Section 69-7-501, livestock,

livestock products, agricultural crops or ornamental plant crops or used for other agricultural purposes, and parts and labor used to maintain and/or repair such implements, shall be taxed at the rate of one and one-half percent (1-1/2%) when used on the farm.

(ii) The one and one-half percent (1-1/2%) rate shall also apply to all equipment used in logging, pulpwood operations or tree farming, and parts and labor used to maintain and/or repair such equipment, which is either:

1. Self-propelled, or

2. Mounted so that it is permanently attached to other equipment which is self-propelled or attached to other equipment drawn by a vehicle which is self-propelled.

In order to be eligible for the rate of tax provided for in this subparagraph (ii), such sales must be made to a professional logger. For the purposes of this subparagraph (ii), a "professional logger" is a person, corporation, limited liability company or other entity, or an agent thereof, who possesses a professional logger's permit issued by the Department of Revenue and who presents the permit to the seller at the time of purchase. The department shall establish an application process for a professional logger's permit to be issued, which shall include a requirement that the applicant submit a copy of documentation verifying that the applicant is certified according to Sustainable Forestry Initiative guidelines. Upon a determination that an

applicant is a professional logger, the department shall issue the applicant a numbered professional logger's permit.

(d) Except as otherwise provided in subsection (3) of this section, retail sales of aircraft, automobiles, trucks, truck-tractors, semitrailers and manufactured or mobile homes shall be taxed at the rate of three percent (3%).

(e) Sales of manufacturing machinery or manufacturing machine parts when made to a manufacturer or custom processor for plant use only when the machinery and machine parts will be used exclusively and directly within this state in manufacturing a commodity for sale, rental or in processing for a fee shall be taxed at the rate of one and one-half percent (1-1/2%).

(f) Sales of machinery and machine parts when made to a technology intensive enterprise for plant use only when the machinery and machine parts will be used exclusively and directly within this state for industrial purposes, including, but not limited to, manufacturing or research and development activities, shall be taxed at the rate of one and one-half percent (1-1/2%). In order to be considered a technology intensive enterprise for purposes of this paragraph:

(i) The enterprise shall meet minimum criteria established by the Mississippi Development Authority;

(ii) The enterprise shall employ at least ten (10) persons in full-time jobs;

(iii) At least ten percent (10%) of the workforce in the facility operated by the enterprise shall be scientists, engineers or computer specialists;

(iv) The enterprise shall manufacture plastics, chemicals, automobiles, aircraft, computers or electronics; or shall be a research and development facility, a computer design or related facility, or a software publishing facility or other technology intensive facility or enterprise as determined by the Mississippi Development Authority;

(v) The average wage of all workers employed by the enterprise at the facility shall be at least one hundred fifty percent (150%) of the state average annual wage; and

(vi) The enterprise must provide a basic health care plan to all employees at the facility.

A medical cannabis establishment, as defined in the Mississippi Medical Cannabis Act, shall not be considered to be a technology intensive enterprise for the purposes of this paragraph (f).

(g) Sales of materials for use in track and track structures to a railroad whose rates are fixed by the Interstate Commerce Commission or the Mississippi Public Service Commission shall be taxed at the rate of three percent (3%).

(h) Sales of tangible personal property to electric power associations for use in the ordinary and necessary operation

of their generating or distribution systems shall be taxed at the rate of one percent (1%).

(i) Wholesale sales of beer shall be taxed at the rate of seven percent (7%), and the retailer shall file a return and compute the retail tax on retail sales but may take credit for the amount of the tax paid to the wholesaler on said return covering the subsequent sales of same property, provided adequate invoices and records are maintained to substantiate the credit.

(j) Wholesale sales of food and drink for human consumption to full-service vending machine operators to be sold through vending machines located apart from and not connected with other taxable businesses shall be taxed at the rate of eight percent (8%).

(k) Sales of equipment used or designed for the purpose of assisting disabled persons, such as wheelchair equipment and lifts, that is mounted or attached to or installed on a private carrier of passengers or light carrier of property, as defined in Section 27-51-101, at the time when the private carrier of passengers or light carrier of property is sold shall be taxed at the same rate as the sale of such vehicles under this section.

(l) Sales of the factory-built components of modular homes, panelized homes and precut homes, and panel constructed homes consisting of structural insulated panels, shall be taxed at the rate of three percent (3%).

(m) Sales of materials used in the repair, renovation, addition to, expansion and/or improvement of buildings and related facilities used by a dairy producer shall be taxed at the rate of three and one-half percent (3-1/2%). For the purposes of this paragraph (m), "dairy producer" means any person engaged in the production of milk for commercial use.

(2) From and after January 1, 1995, retail sales of private carriers of passengers and light carriers of property, as defined in Section 27-51-101, shall be taxed an additional two percent (2%).

(3) A manufacturer selling at retail in this state shall be required to make returns of the gross proceeds of such sales and pay the tax imposed in this section.

SECTION 82. Section 27-65-101, Mississippi Code of 1972, is amended as follows:

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this

section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty (50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil or natural gas exploration or production, vessels or barges of fifty (50) tons load displacement

and over, when the vessels or barges are sold by the manufacturer or builder thereof. In addition to other types of equipment, offshore drilling equipment for use in oil or natural gas exploration or production shall include aircraft used predominately to transport passengers or property to or from offshore oil or natural gas exploration or production platforms or vessels, and engines, accessories and spare parts for such aircraft.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases

(except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.

(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county or portion

thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q). The exemption provided in this paragraph (q) shall not apply to sales to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(r) (i) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of twenty (20) jobs at the new headquarters in this state. The exemption provided in this subparagraph (i) shall not apply to sales for any company that is a medical cannabis establishment as

defined in the Mississippi Medical Cannabis Act. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (i).

(ii) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi and creating a minimum of twenty (20) new jobs at the headquarters as a result of the expansion or additions. The exemption provided in this subparagraph (ii) shall not apply to sales for any company that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (ii).

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles, all-terrain cycles and rotary-wing aircraft if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution

control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi), Section 57-75-5(f)(xxii) or Section 57-75-5(f)(xxviii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority. The exemption provided in this paragraph (ff) shall not apply to sales to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of

facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other

personal property will be used for purposes related to the golf tournament and related activities.

(pp) Sales of materials used in the construction of a health care industry facility, as defined in Section 57-117-3, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-117-3. This paragraph shall be repealed from and after July 1, 2022.

(qq) Sales or leases to a manufacturer of automotive parts operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxviii) of machinery and equipment; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal, nitrogen and natural gas used directly in the manufacture of automotive parts or used to provide climate control for manufacturing areas.

(rr) Gross collections derived from guided tours on any navigable waters of this state, which include providing accommodations, guide services and/or related equipment operated by or under the direction of the person providing the tour, for the purposes of outdoor tourism. The exemption provided in this paragraph (rr) does not apply to the sale of tangible personal property by a person providing such tours.

(ss) Retail sales of truck-tractors and semitrailers used in interstate commerce and registered under the International Registration Plan (IRP) or any similar reciprocity agreement or compact relating to the proportional registration of commercial vehicles entered into as provided for in Section 27-19-143.

(tt) Sales exempt under the Facilitating Business Rapid Response to State Declared Disasters Act of 2015 (Sections 27-113-1 through 27-113-9).

(uu) Sales or leases to an enterprise and its affiliates operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxix) of:

(i) All personal property and fixtures, including without limitation, sales or leases to the enterprise and its affiliates of:

1. Manufacturing machinery and equipment;

2. Special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes;

3. Component building materials, machinery and equipment used in the construction of buildings, and any other additions or improvements to the project site for the project;

4. Nonmanufacturing furniture, fixtures and equipment (inclusive of all communications, computer, server, software and other hardware equipment); and

5. Fuel, supplies (other than nonmanufacturing consumable supplies and water), electricity, nitrogen gas and natural gas used directly in the manufacturing/production operations of such project or used to provide climate control for manufacturing/production areas of such project;

(ii) All replacements of, repair parts for or services to repair items described in subparagraph (i)1, 2 and 3 of this paragraph; and

(iii) All services taxable pursuant to Section 27-65-23 required to establish, support, operate, repair and/or maintain such project.

(vv) Sales or leases to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxx) of:

(i) Purchases required to establish and operate the project, including, but not limited to, sales of component building materials, machinery and equipment required to establish the project facility and any additions or improvements thereon; and

(ii) Machinery, special tools (such as dies, molds, and jigs) or repair parts thereof, or replacements and lease thereof, repair services thereon, fuel, supplies and electricity, coal and natural gas used in the manufacturing

process and purchased by the enterprise owning or operating the project for the benefit of the project.

(ww) Sales of component materials used in the construction of a building, or any expansion or improvement thereon, sales of machinery and/or equipment to be used therein, and sales of processing machinery and equipment which is permanently attached to the ground or to a permanent foundation which is not by its nature intended to be housed in a building structure, no later than three (3) months after initial startup, expansion or improvement of a permanent enterprise solely engaged in the conversion of natural sand into proppants used in oil and gas exploration and development with at least ninety-five percent (95%) of such proppants used in the production of oil and/or gas from horizontally drilled wells and/or horizontally drilled recompletion wells as defined in Sections 27-25-501 and 27-25-701.

(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section

57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. The exemption provided in this subsection (2) shall not apply to sales to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter. The exemption provided in this subsection (3) shall not apply to sales to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the

completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that

is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2025, that is installed in Tier One areas and used in the deployment of broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2025, that is installed in Tier Two and Tier Three areas and used in the deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided

for in subsections (2), (3) and (4) of this section during initial construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

SECTION 83. Section 37-148-3, Mississippi Code of 1972, is amended as follows:

37-148-3. As used in this chapter, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "College" means the state institutions of higher learning in Mississippi which are accredited by the Southern Association of Colleges and Schools.

(b) "Investor" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity, not formed for the specific purpose of acquiring the rebate offered, which is subject to Mississippi income tax. <u>The term "investor" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.</u>

(c) "Qualified research" means the systematic investigative process that is undertaken for the purpose of discovering information. The term "qualified research" does not include research conducted outside the State of Mississippi or

research expenses that are already being funded by any grant, contract or otherwise by another person or governmental entity.

(d) "Research agreement" means a written contract, grant or cooperative agreement entered into between a person and a college or research corporation for the performance of qualified research. All qualified research costs generating a SMART Business Rebate must be spent by the college or research corporation on qualified research undertaken according to a research agreement.

(e) "Research corporation" means any research corporation formed under Section 37-147-15 if the corporation is wholly owned by or affiliated with a college and all income and profits of the corporation inure to the benefit of the college.

(f) "Qualified research costs" means costs paid or incurred by an investor to a college or research corporation for qualified research undertaken according to a research agreement.

(g) "State" means the State of Mississippi or a governmental entity of the State of Mississippi.

(h) "IHL" means the Board of Trustees of State Institutions of Higher Learning in Mississippi.

(i) "SMART Business" means Strengthening Mississippi Academic Research Through Business.

(j) "Applicant" means a college or research corporation applying for SMART Business Accelerate Initiative funds to develop state-owned intellectual property into products and services.

(k) "Qualified validation expense" includes, but is not limited to, services that accelerate the development of early product concepts, conducting proof-of-concept studies, and manufacturing prototypes to perform research validation. Qualified validation expense does not include salaries or wages associated with a licensee of state-owned intellectual property, legal fees or any payment in conflict with state law.

(l) "Research validation" means research intended to validate the commercial viability of state-owned intellectual property.

(m) "Disbursement" means a grant of funds to support research validation.

SECTION 84. Section 57-1-16, Mississippi Code of 1972, is amended as follows:

57-1-16. (1) As used in this section:

(a) "Extraordinary economic development opportunity" means a new or expanded business or industry which maintains a strong financial condition and minimal credit risk and creates substantial employment, particularly in areas of high unemployment. <u>The term "extraordinary economic development opportunity" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.</u>

(b) "Local economic development entities" means state institutions of higher learning or public or private nonprofit local economic development entities including, but not limited to,

chambers of commerce, local authorities, commissions or other entities created by local and private legislation or districts created pursuant to Section 19-5-99.

(c) "MDA" means the Mississippi Development Authority.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the ACE Fund, which shall consist of money from any public or private source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. The purpose of the fund shall be to assist in maximizing extraordinary economic development opportunities related to any new or expanded business or industry or to assist a local unit of government as authorized in subsection (5) of this section. Such funds may be used to make grants to local economic development entities to assist any new or expanding business or industry that meets the criteria provided in this section when such assistance aids the consummation of a project within the State of Mississippi, including any federal Indian reservation located within the geographical boundary of Mississippi, or to make grants to a local unit of government as authorized in subsection (5) of this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the

administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a grant program to make grants from the ACE Fund created under this section. Local economic development entities may apply to the MDA for a grant under this section in the manner provided for in subsection (4) of this section. Local units of government may apply to the MDA for a grant under this section in the manner provided in subsection (5) of this section.

(4) (a) Any business or industry desiring assistance from a local economic development entity under this section shall submit an application to the local economic development entity which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an extraordinary economic development opportunity;

(ii) A demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county;

(iii) A description, including the cost, of the requested assistance;

(iv) A description of the purpose for which the assistance is requested;

(v) A two-year business plan;

(vi) Financial statements or tax returns for the three (3) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the business or industry; and

(viii) Any other information required by the MDA.

(b) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business or industry, the local economic development entity may apply to the MDA for assistance under this section. Such application must contain evidence that the business or industry meets the definition of an extraordinary economic development opportunity, a demonstration that the business or industry is at an economic

disadvantage by locating the new or expanded project in the county, a description, including the cost, of the requested assistance, and a statement of what efforts have been made or are being made by the business or industry for securing or qualifying for other local, state, federal or private funds for the project.

(d) The MDA shall have sole discretion in the awarding of ACE funds, provided that the business or industry and the local economic development entity have met the statutory requirements of this section. However, in making grants under this section, the MDA shall attempt to provide for an equitable distribution of such grants among each of the congressional districts of this state in order to promote economic development across the entire state.

(5) (a) The MDA may make grants to local units of government to assist the local unit of government in purchasing real property for the benefit of an existing industry that commits to maintain a minimum of one thousand three hundred (1,300) jobs for a minimum of ten (10) years after the date the grant is made. The MDA shall not make grants under this subsection to assist local units of government for the benefit of any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(b) Any local unit of government seeking a grant authorized under this subsection shall apply to MDA. The application shall contain such information as the MDA may require.

(c) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this subsection and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(6) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section. However, before the implementation of any such rules and regulations, they shall be submitted to a committee consisting of five (5) members of the Senate Finance Committee and five (5) members of the House of Representatives Ways and Means Committee, appointed by the respective committee chairmen.

SECTION 85. Section 57-1-221, Mississippi Code of 1972, is amended as follows:

57-1-221. (1) As used in this section:

(a) "Approved business enterprise" means any project that:

(i) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and creates a minimum of two hundred fifty (250) new, full-time jobs with a total capital investment in the state of a minimum of Thirty Million Dollars ($30,000,000.00) in Tier 1 or Tier 2 counties;

(ii) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and creates a minimum of one hundred fifty (150) new, full-time jobs with a total capital investment in the state of a minimum of Fifteen Million Dollars ($15,000,000.00) in areas federally designated as low-income census tracts;

(iii) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and creates a minimum of one thousand (1,000) new, full-time jobs;

(iv) Is a manufacturer of high-end kitchen appliances having at least four hundred (400) employees working at its Mississippi facilities on January 1, 2015, and with a capital investment of at least Five Million Dollars ($5,000,000.00) made after July 1, 2014, through four (4) years after July 1, 2015, that expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and retains a minimum of four hundred (400) jobs; or

(v) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, with significant regional impact as determined by MDA.

(b) "MDA" means the Mississippi Development Authority.

(c) "Facility related to the project" means and includes any of the following, as they may pertain to the project:

(i) Facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project;

(ii) Building facilities and equipment necessary to operate the facility;

(iii) Rail lines;

(iv) Airports, airfields, air terminals and port facilities;

(v) Highways, streets and other roadways; and

(vi) Fire protection facilities, equipment and elevated water tanks.

(d) "Project" means any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise that is approved by the MDA. The term "project" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(2) (a) There is created a special fund in the State Treasury to be known as the Mississippi Industry Incentive Financing Revolving Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse

into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Except as otherwise provided, monies in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in subsection (3) of this section. The Mississippi Development Authority shall allocate and disburse Thirty Million Dollars ($30,000,000.00) from the fund as a grant to Mississippi State University for the construction, furnishing and equipping of a high-performance computing data center that is home to federally designated centers of computing excellence. The disbursement of such funds shall not be subject to any requirements of this section relating to grants and loans made by the Mississippi Development Authority under this section. The Mississippi Development Authority shall allocate and disburse Three Million Dollars ($3,000,000.00) from the fund as a grant to Delta Health System for capital costs related to hospital systems expansion. The disbursement of such funds shall not be subject to any requirements of this section relating to grants and loans made by the Mississippi Development Authority under this section. The Mississippi Development Authority shall disburse such funds to Delta Health System not later than thirty (30) days after April 22, 2021.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the

administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make grants or loans from the Mississippi Industry Incentive Financing Revolving Fund to local governments, including, but not limited to, counties, municipalities, industrial development authorities and economic development districts, and approved business enterprises to construct or otherwise provide facilities related to the project. Local governments are authorized to accept grants and enter into loans authorized under the program, and to sell, lease or otherwise dispose of a project or any property related to the project in whole or in part.

(4) (a) Except as otherwise provided in this section, any business enterprise or local government desiring a grant or loan under this section shall submit an application to the MDA which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an approved business enterprise;

(ii) A description, including the cost, of the requested assistance;

(iii) A description of the purpose for which the assistance is requested; and

(iv) Any other information required by the MDA.

(b) Except as otherwise provided in this section, the MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business enterprise or local government for a grant or loan under this section, the MDA shall determine whether the enterprise meets the definition of an approved business enterprise and determine whether to provide the assistance requested in the form of a grant or a loan.

(d) Except as otherwise provided in subsection (2)(a) of this section, the MDA shall have sole discretion in providing grants or loans under this section. The terms of a grant or loan provided under this section and the manner of repayment of any loan shall be within the discretion of the MDA. Repayments of loans made under this section shall be deposited to the credit of the Mississippi Industry Incentive Financing Revolving Fund until

the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00). Once the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00), repayments of loans under this section shall be deposited to the credit of Fund No. 3951 in the State Treasury to pay debt service on bonds until such time as the uncommitted balance in the fund falls below Fifty Million Dollars ($50,000,000.00).

(e) The MDA shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the approval of any grant or loan application thirty (30) days prior to the disbursement of any monies for the loan or grant from the Mississippi Industry Incentive Financing Revolving Fund. The notification shall identify the applicant and the purposes for which the loan or grant is made.

(5) (a) Contracts, by local governments, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project shall be exempt from the provisions of Section 31-7-13 if:

(i) The MDA finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of this section to enter into such contracts on the basis of Section 31-7-13; and

(ii) The approved business enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

(ii) The contracts may be entered into on the basis of negotiation.

(6) It is the policy of the MDA and the MDA is authorized to accommodate and support any enterprise that receives a loan under this section for a project defined in Section 17-25-23 that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this subsection.

(7) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section.

SECTION 86. Section 57-10-401, Mississippi Code of 1972, is amended as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-401. As used in Sections 57-10-401 through 57-10-445, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise:

(a) "Approved company" means any eligible company seeking to locate an economic development project in a county, which eligible company is approved by the corporation.

(b) "Approved costs" means:

(i) Obligations incurred for equipment and labor and to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction and installation of an economic development project;

(ii) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(iii) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(iv) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of

construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of an economic development project;

(v) All costs which shall be required to be paid under the terms of any contract or contracts for the acquisition, construction and installation of an economic development project;

(vi) All costs, expenses and fees incurred in connection with the issuance of bonds pursuant to Sections 57-10-401 through 57-10-445;

(vii) All costs funded by a loan made under the Mississippi Small Enterprise Development Finance Act; and

(viii) All costs of professionals permitted to be engaged under the Mississippi Small Enterprise Development Finance Act for a loan made under such act.

(c) "Assessment" means the job development assessment fee authorized in Section 57-10-413.

(d) "Bonds" means the revenue bonds, notes or other debt obligations of the corporation authorized to be issued by the corporation on behalf of an eligible company or other state agency.

(e) "Corporation" means the Mississippi Business Finance Corporation created under Section 57-10-167, Mississippi Code of 1972.

(f) "Economic development project" means and includes the acquisition of any equipment or real estate in a county and

the construction and installation thereon, and with respect thereto, of improvements and facilities necessary or desirable for improvement of the real estate, including surveys, site tests and inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities, off-site construction of utility extensions to the boundaries of the real estate, and the acquisition, construction and installation of manufacturing, telecommunications, data processing, distribution or warehouse facilities on the real estate, for lease or financial arrangement by the corporation to an approved company for use and occupancy by the approved company or its affiliates for manufacturing, telecommunications, data processing, distribution or warehouse purposes. Such term also includes, without limitation, any project the financing of which has been approved under the Mississippi Small Enterprise Development Finance Act. From and after January 1, 2014, such term also includes the economic development project of a related approved company that is merged into or consolidated with another approved company where the approved companies are engaged in a vertically integrated manufacturing or warehouse operation.

(g) "Eligible company" means any corporation, partnership, sole proprietorship, business trust, or other entity which is:

(i) Engaged in manufacturing which meets the standards promulgated by the corporation under Sections 57-10-401 through 57-10-445;

(ii) A private company approved by the corporation for a loan under the Mississippi Small Enterprise Development Finance Act;

(iii) A distribution or warehouse facility employing a minimum of fifty (50) people or employing a minimum of twenty (20) people and having a capital investment in such facility of at least Five Million Dollars ($5,000,000.00); or

(iv) A telecommunications or data processing business.

(h) "Executive director" means the Executive Director of the Mississippi Business Finance Corporation.

(i) "Financing agreement" means any financing documents and agreements, indentures, loan agreements, lease agreements, security agreements and the like, entered into by and among the corporation, private lenders and an approved company with respect to an economic development project.

(j) "Manufacturing" means any activity involving the manufacturing, processing, assembling or production of any property, including the processing resulting in a change in the

conditions of the property and any activity functionally related thereto, together with the storage, warehousing, distribution and related office facilities in respect thereof as determined by the Mississippi Business Finance Corporation; however, in no event shall "manufacturing" include mining, coal or mineral processing, or extraction of Mississippi minerals.

(k) "State agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or laws of this state.

(l) "Revenues" shall not be considered state funds.

(m) "State" means the State of Mississippi.

(n) "Mississippi Small Enterprise Development Finance Act" means the provisions of law contained in Section 57-71-1 et seq.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-401. As used in Sections 57-10-401 through 57-10-445, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise:

(a) "Approved company" means any eligible company seeking to locate an economic development project in a county, which eligible company is approved by the corporation.

(b) "Approved costs" means:

(i) Obligations incurred for equipment and labor and to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction and installation of an economic development project;

(ii) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(iii) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(iv) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of an economic development project;

(v) All costs which shall be required to be paid under the terms of any contract or contracts for the acquisition, construction and installation of an economic development project;

(vi) All costs, expenses and fees incurred in connection with the issuance of bonds pursuant to Sections 57-10-401 through 57-10-445;

(vii) All costs funded by a loan made under the Mississippi Small Enterprise Development Finance Act; and

(viii) All costs of professionals permitted to be engaged under the Mississippi Small Enterprise Development Finance Act for a loan made under such act.

(c) "Assessment" means the job development assessment fee authorized in Section 57-10-413.

(d) "Bonds" means the revenue bonds, notes or other debt obligations of the corporation authorized to be issued by the corporation on behalf of an eligible company or other state agency.

(e) "Corporation" means the Mississippi Business Finance Corporation created under Section 57-10-167, Mississippi Code of 1972.

(f) "Economic development project" means and includes the acquisition of any equipment or real estate in a county and the construction and installation thereon, and with respect thereto, of improvements and facilities necessary or desirable for improvement of the real estate, including surveys, site tests and inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities, off-site construction of utility extensions to the boundaries of the real estate, and the acquisition, construction and installation of manufacturing, telecommunications, data processing, distribution

or warehouse facilities on the real estate, for lease or financial arrangement by the corporation to an approved company for use and occupancy by the approved company or its affiliates for manufacturing, telecommunications, data processing, distribution or warehouse purposes. Such term also includes, without limitation, any project the financing of which has been approved under the Mississippi Small Enterprise Development Finance Act.

If an eligible company closes a facility in this state and becomes an approved company under the provisions of Sections 57-10-401 through 57-10-449, only that portion of the project for which such company is attempting to obtain financing that is in excess of the value of the closed facility shall be included within the definition of the term "economic development project." The Mississippi Business Finance Corporation shall promulgate rules and regulations to govern the determination of the difference between the value of the closed facility and the new facility.

(g) "Eligible company" means any corporation, partnership, sole proprietorship, business trust, or other entity which:

(i) Engaged in manufacturing which meets the standards promulgated by the corporation under Sections 57-10-401 through 57-10-445;

(ii) A private company approved by the corporation for a loan under the Mississippi Small Enterprise Development Finance Act;

(iii) A distribution or warehouse facility employing a minimum of fifty (50) people or employing a minimum of twenty (20) people and having a capital investment in such facility of at least Five Million Dollars ($5,000,000.00);

(iv) A telecommunications or data/information processing business meeting criteria established by the Mississippi Business Finance Corporation;

(v) National or regional headquarters meeting criteria established by the Mississippi Business Finance Corporation;

(vi) Research and development facilities meeting criteria established by the Mississippi Business Finance Corporation; or

(vii) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Business Finance Corporation.

The term "eligible company" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(h) "Executive director" means the Executive Director of the Mississippi Business Finance Corporation.

(i) "Financing agreement" means any financing documents and agreements, indentures, loan agreements, lease agreements, security agreements and the like, entered into by and among the corporation, private lenders and an approved company with respect to an economic development project.

(j) "Manufacturing" means any activity involving the manufacturing, processing, assembling or production of any property, including the processing resulting in a change in the conditions of the property and any activity functionally related thereto, together with the storage, warehousing, distribution and related office facilities in respect thereof as determined by the Mississippi Business Finance Corporation; however, in no event shall "manufacturing" include mining, coal or mineral processing, or extraction of Mississippi minerals.

(k) "State agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or laws of this state.

(l) "Revenues" shall not be considered state funds.

(m) "State" means the State of Mississippi.

(n) "Mississippi Small Enterprise Development Finance Act" means the provisions of law contained in Section 57-71-1 et seq.

SECTION 87. Section 57-61-5, Mississippi Code of 1972, is amended as follows:

57-61-5. The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(a) "Department" means the Mississippi * * * Development Authority.

(b) "Board" means the Mississippi * * * Development Authority operating through its executive director.

(c) "Improvements" means the construction, rehabilitation or repair of drainage systems; energy facilities (power generation and distribution); fire safety facilities (excluding vehicles); sewer systems (pipe treatment); transportation directly affecting the site of the proposed investment, including roads, sidewalks, bridges, rail, port, river, airport or pipeline (excluding vehicles); bulkheads; buildings; and facilities necessary to accommodate a United States Navy home port; and means land reclamation; waste disposal; water supply (storage, treatment and distribution); land acquisition; and the dredging of channels and basins.

(d) "Municipality" means any county or any incorporated city, or town, acting individually or jointly, or any agency of the State of Mississippi operating a state-owned port.

(e) "Private company" means any agricultural, aquacultural, maricultural, industrial, manufacturing, service, tourism, or research and development enterprise or enterprises. The term "private company" shall not include any retail trade

enterprise except regional shopping malls having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00). The term "private company" shall not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act. No more than fifteen percent (15%) of the aggregate funds made available under this chapter shall be used to fund aquacultural, maricultural and tourism enterprises. The funds made available to tourism enterprises under this chapter shall be limited to infrastructure improvements and to the acquisition of land and shall not be made available to fund tourism promotions or to fund the construction, improvement or acquisition of hotels and/or motels or to finance or refinance any obligations of hotels and/or motels.

(f) "Governmental unit" means a department or subsidiary of the United States government, or an agency of the State of Mississippi operating a state-owned port.

(g) "Private match" means any new private investment by the private company and/or governmental unit in land, buildings, depreciable fixed assets, and improvements of the project used to match improvements funded under this chapter. The term "private match" includes improvements made prior to the effective date of this chapter [Laws, 1986, Chapter 419, effective March 31, 1986] pursuant to contracts entered into contingent upon assistance being made available under this chapter.

(h) "Publicly owned property" means property which is owned by the local, state or United States government and is not under the control of a private company.

(i) "Director" means the Executive Director of the * * * Mississippi Development Authority.

(j) "Small community" means a county with a population of twenty-five thousand (25,000) or less; or a municipality with a population of ten thousand (10,000) or less and any area within five (5) miles of the limits of such municipality, according to the most recent federal decennial census.

(k) "Strategic investment" means an investment by the private and public sectors that will have a major impact on job creation and maintenance in the state of no less than one hundred fifty (150) jobs, that will have a major impact on enlargement and enhancement of international and foreign trade and commerce to and from the State of Mississippi, or which is considered to be unique to the state and have statewide or regional impact as determined by the department.

(l) "Seller" means the State Bond Commission or the State Development Bank.

SECTION 88. Section 57-62-5, Mississippi Code of 1972, is amended as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business;

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval

by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment;

(c) "Full-time job" means a job of at least thirty-five (35) hours per week;

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry;

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry;

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs;

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed

four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits;

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry; and

(i) "MDA" means the Mississippi Development Authority.

[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the

Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than one hundred (100) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(ii) Is a manufacturing or distribution enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, invests not less than Twenty Million Dollars ($20,000,000.00) in land, buildings and equipment, and creates not less than fifty (50) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than twenty (20) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal

entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than ten (10) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21). An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business; or

(iv) Is a research and development or a technology intensive enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one

hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than ten (10) new direct jobs.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not

exist in this state before the date of approval by the MDA of the application of the establishment.

(c) "Full-time job" or "full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry.

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry.

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs.

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits.

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

(i) "MDA" means the Mississippi Development Authority.

[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs;

(ii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary,

excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs; or

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which is a manufacturer that:

1. Provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

2. Has a minimum of five thousand (5,000) existing employees as of the last day of the previous calendar year; and

3. MDA determines will create not less than three thousand (3,000) new direct jobs within forty-eight (48) months of the date the MDA determines that the applicant is qualified to receive incentive payments.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business, or any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state:

(i) Before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter; or

(ii) Solely with respect to any farm equipment manufacturer that locates its North American headquarters to Mississippi between January 1, 2018, and December 31, 2020, before a specific date determined by the MDA that falls on or after the date that the MDA first issues to such farm equipment manufacturer one or more written commitments or offers of any incentives in connection with the new headquarters project and related facilities expected to result in the creation of such new job.

"New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment.

(c) "Full-time job" or "full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

(e) "MDA" means the Mississippi Development Authority.

SECTION 89. Section 57-69-3, Mississippi Code of 1972, is amended as follows:

57-69-3. Unless the context requires otherwise, the following words shall have the following meanings for the purposes of this chapter:

(a) "Class of contract basis" means an entire group of contracts having a common characteristic.

(b) "Commercially useful function" means being responsible for execution of a contract or a distinct element of the work under a contract by actually performing, managing, and supervising the work involved.

(c) "Contract" means all types of state agreements, regardless of what they may be called, for the purchase of

supplies or services or for construction or major repairs. "Contract" includes the following:

(i) Awards and notices of award.

(ii) Contracts of a fixed price, cost, cost-plus-a-fixed-fee, or incentive types.

(iii) Contracts providing for the issuance of job or task orders.

(iv) Leases.

(v) Letter contracts.

(vi) Purchase orders.

(vii) Any supplemental agreements with respect to (i) through (vi) of this * * * paragraph.

(d) "Contracting base" means the dollar amount of contracts for public works and procurement of goods and services awarded by a state agency or a state educational institution during a fiscal year.

(e) "Contract by contract basis" means a single contract within a specific class of contracts.

(f) "Contractor" means a party who enters into a contract to provide a state or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(g) "Director" means the Executive Director of the Office of Minority Business Enterprises of the Mississippi Development Authority.

(h) "Educational institutions" means the state universities, vocational institutions, and any other state-supported educational institutions.

(i) "Joint venture" means an association of two (2) or more persons or businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge, and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(j) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa.

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.

(iii) Asian American: having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(iv) American Indian or Alaskan Native: having origins in any of the original peoples of North America.

(v) Female.

(k) "Minority business enterprise" or "minority owned business" means a socially and economically disadvantaged small business concern organized for profit performing a commercially

useful function which is owned and controlled by one or more individuals or minority business enterprises certified by the office, at least seventy-five percent (75%) of whom are resident citizens of the State of Mississippi. For purposes of this paragraph, the term "socially and economically disadvantaged small business concern" shall have the meaning ascribed to such term under the Small Business Act (15 USCS, Section 637(a)). Owned and controlled means a business in which one or more minorities or minority business enterprises certified by the office own at least fifty-one percent (51%) or in the case of a corporation at least fifty-one percent (51%) of the voting stock and control at least fifty-one percent (51%) of the management and daily business operations of the business. The term "minority business enterprise" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(l) "Minority business enterprise supplier" means a socially and economically disadvantaged small business concern which is owned and controlled by one or more individuals, at least seventy-five percent (75%) of whom are resident citizens of the State of Mississippi. For purposes of this paragraph, the term "socially and economically disadvantaged small business concern" shall have the meaning ascribed to such term under the Small Business Act (15 USCS, Section 637(a)) except that the net worth of the business may not be greater than Seven Hundred Fifty Thousand Dollars ($750,000.00). Owned and controlled means a

business in which one or more minorities own at least fifty-one percent (51%) or in the case of a corporation at least fifty-one percent (51%) of the voting stock and control at least fifty-one percent (51%) of the management and daily business operations of the business. The term "minority business enterprise supplier" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(m) "Office" means the Office of Minority Business Enterprises of the Mississippi Development Authority.

(n) "Procurement" means the purchase, lease, or rental of any goods or services.

(o) "Commodities" means the various items described in Section 31-7-1(e).

(p) "Professional services" means all personal service contracts utilized by state agencies and institutions.

(q) "Small business" means a small business as defined by the Small Business Administration of the United States government which for purposes of size eligibility or other factors meets the applicable criteria set forth in Part 121 of Title 13 of the Code of Federal Regulations as amended, and which has its principal place of business in Mississippi.

(r) "State agency" includes the State of Mississippi and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the Mississippi Department of

Transportation nor the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

SECTION 90. Section 57-71-5, Mississippi Code of 1972, is amended as follows:

57-71-5. The following words and phrases when used in this act shall have the meaning given to them in this section unless the context clearly indicates otherwise:

(a) "MBFC" or "company" means the Mississippi Business Finance Corporation.

(b) "Private company" means any agricultural, aquacultural, horticultural, industrial, manufacturing or research and development enterprise or enterprises, or the lessor thereof, or any commercial enterprise approved by the Mississippi Business Finance Corporation; however, the term "private company" shall not include any business, corporation or entity having a gaming license issued under Section 75-76-1 et seq., or any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(c) "Qualified financial institution" means any commercial bank or savings and loan institution approved by the Mississippi Business Finance Corporation to provide letters of credit under this act.

(d) "Letter of credit" means a letter of credit obligation from a qualified financial institution approved by the Mississippi Business Finance Corporation.

(e) "Planning and development districts" means the organized planning and development districts in Mississippi.

(f) "Director" means the Executive Director of the Mississippi Business Finance Corporation.

(g) "Seller" means the State Bond Commission.

SECTION 91. Section 57-73-21, Mississippi Code of 1972, is amended as follows:

[In cases involving business enterprises that received or applied for the job tax credit authorized by this section prior to January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the State Tax Commission shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight

being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Tax Commission qualify for the appropriate tax credit for jobs as provided in subsections (2), (3) and (4) of this section. The designation by the Tax Commission is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the Tax Commission shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or

enterprise, in counties designated by the Tax Commission as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Two Thousand Dollars ($2,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development

Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties that have been designated by the Tax Commission as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to One Thousand Dollars ($1,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Tax Commission shall

adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

(4) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Five Hundred Dollars ($500.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding

for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) In addition to the credits authorized in subsections (2), (3) and (4), an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of thirty-five (35) jobs must be created to qualify for the additional credit. The State Tax Commission shall establish criteria and prescribe procedures to determine if a company qualifies as a national or

regional headquarters for purposes of receiving the credit awarded in this subsection. As used in this subsection, the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the credits authorized in subsections (2), (3), (4) and (5), any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee.

(7) In lieu of the tax credits provided in subsections (2) through (6), any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the amounts provided in subsection (2), (3) or (4) for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(8) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (2), (3), (4), (5), (6) and (7) of this section. Except as otherwise provided, the Tax Commission shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Tax Commission shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business

enterprise was for the purpose of obtaining new eligibility for the credit.

(10) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Chairman of the State Tax Commission may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(11) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(13) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official

action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(14) As used in this section, the term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

[In cases involving business enterprises that apply for the job tax credit authorized by this section from and after January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the Department of Revenue shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Department of Revenue qualify for the appropriate tax credit for jobs as provided in this section. The designation by the Department of Revenue is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the Department of Revenue shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to

whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises in counties designated by the Department of Revenue as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to ten percent (10%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10). Medical cannabis establishments as defined in the Mississippi

Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (2).

(3) Permanent business enterprises in counties that have been designated by the Department of Revenue as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to five percent (5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15). Medical cannabis establishments as defined in the Mississippi

Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (3).

(4) Permanent business enterprises in counties designated by the Department of Revenue as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to two and one-half percent (2.5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20). Medical cannabis establishments as defined in the

Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (4).

(5) (a) In addition to the other credits authorized in this section, an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of twenty (20) jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this paragraph (a). As used in this paragraph (a), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security. Medical cannabis establishments as defined

in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this paragraph (a).

(b) In addition to the other credits authorized in this section, an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi. A minimum of twenty (20) new jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this paragraph (b). As used in this paragraph (b), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security. Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act

shall not be eligible for the tax credit authorized in this paragraph (b).

(6) In addition to the other credits authorized in this section, any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee. Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (6).

(7) (a) In addition to the other credits authorized in this section, any company that transfers or relocates its national or regional headquarters to the State of Mississippi from outside the State of Mississippi may receive a tax credit in an amount equal to the actual relocation costs paid by the company. A minimum of twenty (20) jobs must be created in order to qualify for the additional credit authorized under this subsection. Relocation costs for which a credit may be awarded shall be determined by the Department of Revenue and shall include those nondepreciable expenses that are necessary to relocate headquarters employees to the national or regional headquarters, including, but not limited to, costs such as travel expenses for employees and members of their households to and from Mississippi in search of homes and moving expenses to relocate furnishings, household goods and personal property of the employees and members of their households. Medical cannabis establishments as defined in the

Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (7).

(b) The tax credit authorized under this subsection shall be applied for the taxable year in which the relocation costs are paid. The maximum cumulative amount of tax credits that may be claimed by all taxpayers claiming a credit under this subsection in any one (1) state fiscal year shall not exceed One Million Dollars ($1,000,000.00), exclusive of credits that might be carried forward from previous taxable years. A company may not receive a credit for the relocation of an employee more than one (1) time in a twelve-month period for that employee.

(c) The Department of Revenue shall establish criteria and prescribe procedures to determine if a company creates the required number of jobs and qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. A company desiring to claim a credit under this subsection must submit an application for such credit with the Department of Revenue in a manner prescribed by the department.

(d) In order to participate in the provisions of this section, a company must certify to the Mississippi Department of Revenue that it complies with the equal pay provisions of the federal Equal Pay Act of 1963, the Americans with Disabilities Act of 1990 and the fair pay provisions of the Civil Rights Act of 1964.

(e) This subsection shall stand repealed on July 1, 2022.

(8) In lieu of the other tax credits provided in this section, any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the percentage of payroll provided in subsection (2), (3) or (4) of this section for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the jobs. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(9) (a) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for increases in the annual payroll for net new full-time jobs created by business enterprises qualified under this section. The Department of Revenue shall adjust the credit allowed in the event of payroll fluctuations during the additional five (5) years of credit.

(b) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (5) and (6) of this section and for additional relocation costs paid by companies qualified under subsection (7) of this section. The Department of Revenue shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(10) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Department of Revenue shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business

enterprise was for the purpose of obtaining new eligibility for the credit.

(11) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established and/or headquarters relocation costs paid, as applicable, but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Commissioner of Revenue may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(12) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(13) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(14) As used in this section:

(a) "Business enterprises" means entities primarily engaged in:

(i) Manufacturing, processing, warehousing, warehousing activities, distribution, wholesaling and research and development, or

(ii) Permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise.

(b) "Telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(c) "Warehousing activities" means entities that establish or expand facilities that service and support multiple retail or wholesale locations within and outside the state. Warehousing activities may be performed solely to support the primary activities of the entity, and credits generated shall offset the income of the entity based on an apportioned ratio of payroll for warehouse employees of the entity to total Mississippi payroll of the entity that includes the payroll of retail employees of the entity.

(15) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(16) A business enterprise that chooses to receive job training assistance pursuant to Section 57-1-451 shall not be eligible for the tax credits provided for in this section.

SECTION 92. Section 57-80-5, Mississippi Code of 1972, is amended as follows:

57-80-5. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Approved business enterprise" means any business enterprise seeking to locate or expand in a growth and prosperity county, which business enterprise is approved by the MDA.

(b) "Business enterprise" means any new or expanded (i) industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products or goods, including products of agriculture; (ii) enterprises for research and development, including, but not limited to, scientific laboratories; or (iii) such other businesses or industry as will be in furtherance of the public purposes of this chapter as determined by the MDA and which creates a minimum of ten (10) jobs. "Business enterprise" does not include retail or gaming businesses or electrical generation facilities, or medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

(c) "Eligible supervisors district" means:

(i) A supervisors district:

1. As such district exists on January 1, 2001, in which thirty percent (30%) or more of such district's population as of June 30, 2000, is at or below the federal poverty

level according to the official data compiled by the United States Census Bureau as of June 30, 2000, or the official 1990 census poverty rate data (the official 1990 census poverty rate data shall not be used to make any such determination after December 31, 2002); or

2. In which thirty percent (30%) or more of such district's population is at or below the federal poverty level according to the latest official data compiled by the United States Census Bureau;

(ii) Which is contiguous to a county that meets the criteria of Section 57-80-7(1)(b); and

(iii) Which is located in a county which has been issued a certificate of public convenience and necessity under this chapter.

(d) "Growth and prosperity counties" means those counties which meet the requirements of this chapter and which have by resolution or order given its consent to participate in the Growth and Prosperity Program.

(e) "Local tax" means any county or municipal ad valorem tax imposed on the approved business enterprise pursuant to law, except the school portion of the tax and any portion of the tax imposed to pay the cost of providing fire and police protection.

(f) "Local taxing authority" means any county or municipality which by resolution or order has given its consent to

participate in the Growth and Prosperity Program acting through its respective board of supervisors or the municipal governing board, council, commission or other legal authority.

(g) "MDA" means the Mississippi Development Authority.

(h) "State tax" means:

(i) Any sales and use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities in a growth and prosperity county or supervisors districts, as the case may be;

(ii) All income tax imposed pursuant to law on income earned by the business enterprise in a growth and prosperity county, or supervisors district, as the case may be;

(iii) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise in a growth and prosperity county, or supervisors district, as the case may be; and

(iv) Any sales and use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion, including, but not limited to, leases in existence prior to January 1, 2001, as certified by the MDA, in a growth and prosperity county, or supervisors district, as the case may be.

SECTION 93. Section 57-85-5, Mississippi Code of 1972, is amended as follows:

57-85-5. (1) For the purposes of this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "MDA" means the Mississippi Development Authority.

(b) "Project" means construction, rehabilitation or repair of buildings; sewer systems and transportation directly affecting the site of the proposed rural business; sewer facilities, acquisition of real property, development of real property, improvements to real property, and any other project approved by the Mississippi Development Authority. The term "project" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(c) "Rural business" means a new or existing business located or to be located in a rural community or a business or industry located or to be located within five (5) miles of a rural community. "Rural business" does not include gaming businesses or utility businesses, or medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

(d) "Rural community" means a county in the State of Mississippi that meets the population criteria for the term "limited population county" as provided in Section 57-1-18. "Rural community" also means a municipality in the State of Mississippi that meets the population criteria for the term "small municipality" as provided in Section 57-1-18.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Rural Impact Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants and loans to rural communities and loan guaranties on behalf of rural businesses to assist in completing projects under this section.

(b) Monies in the fund which are derived from proceeds of bonds issued after April 15, 2003, may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements under this paragraph (b) shall satisfy any applicable federal tax law requirements.

(c) The MDA may use monies in the fund to pay for the services of architects, engineers, attorneys and such other advisors, consultants and agents that the MDA determines are

necessary to review loan and grant applications and to implement and administer the program established under this section.

(d) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(3) The MDA shall establish a program to make grants and loans to rural communities and loan guaranties on behalf of rural businesses from the Mississippi Rural Impact Fund. A rural community may apply to the MDA for a grant or loan under this section in the manner provided for in this section. A rural business may apply to the MDA for a loan guaranty under this section in the manner provided in this section.

(4) A rural community desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested and any other information required by the MDA. A rural business desiring assistance under this section must submit an application to the MDA. The application must include a description of the purpose for which assistance is requested and any other information required by the MDA. The MDA may waive any requirements of the program established under this section in order to expedite funding for unique projects.

(5) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA

shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 94. Section 57-91-5, Mississippi Code of 1972, is amended as follows:

57-91-5. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Business enterprise" means any permanent business enterprise locating or relocating within a redevelopment project area, including, without limitation:

(i) Industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products or goods, including products of agriculture;

(ii) Enterprises for research and development, including, but not limited to, scientific laboratories;

(iii) Industry for the retail sale of goods and services;

(iv) The industry for recreation and hospitality, including, but not limited to, restaurants, hotels and sports facilities; and

(v) Such other businesses or industry as will be in furtherance of the public purposes of this chapter as determined by the MDA.

The term "business enterprise" shall not include gaming businesses, or medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

(b) "Contaminated site" means real property that is either (i) subject to a bankruptcy court order in which the property has been abandoned from the bankruptcy estate, or (ii) Brownfield property that is subject to a Brownfield agreement under Section 49-35-11, and the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

(c) "County" means any county of this state.

(d) "Developer" means any person who assumes certain environmental liability at a contaminated site and enters into an agreement with a redevelopment county or municipality whereby the developer agrees to undertake a redevelopment project. "Developer agreement" means said agreement.

(e) "Governing body" means the board of supervisors of any county or the governing board of a municipality.

(f) "Law" means any act or statute, general, special or local, of this state.

(g) "MDA" means the Mississippi Development Authority.

(h) "MDEQ" means the Mississippi Department of Environmental Quality.

(i) "Municipality" means any incorporated municipality in the state.

(j) "Person" means a natural person, partnership, association, corporation, business trust or other business entity.

(k) "Redevelopment counties and municipalities" means those counties or municipalities which meet the requirements of this chapter and which have by resolution or order designated a redevelopment project area and given its consent to participate in the program established under this chapter.

(l) "Redevelopment project" means a project that combines remediation of a contaminated site with the planned development of such site and surrounding land in a manner conducive to use by the public or business enterprises including the construction of recreational facilities.

(m) "Redevelopment project area" means the geographic area defined by resolution of the county or municipality within which the remediation and planned development will take place containing the contaminated site and additional surrounding and adjacent land and waterfront, not exceeding six hundred fifty (650) acres, suitable for development.

(n) "Resolution" means an order, resolution, ordinance, act, record of minutes or other appropriate enactment of a governing body.

(o) "State taxes and fees" means any sales tax imposed on the sales or certain purchases by a business enterprise pursuant to law within a redevelopment project area, all income tax imposed pursuant to law on income earned by the approved

business enterprise within a redevelopment project area and all franchise tax imposed pursuant to law on the value of capital used, invested or employed by the approved business enterprise in a redevelopment project area.

SECTION 95. Section 57-117-3, Mississippi Code of 1972, is amended as follows:

57-117-3. In this chapter:

(a) "Health care industry facility" means:

(i) A business engaged in the research and development of pharmaceuticals, biologics, biotechnology, diagnostic imaging, medical supplies, medical equipment or medicine and related manufacturing or processing, medical service providers, medical product distribution, or laboratory testing that creates a minimum of twenty-five (25) new full-time jobs and/or Ten Million Dollars ($10,000,000.00) of capital investment after July 1, 2012; or

(ii) A business that * * * 1. is located on land owned by or leased from an academic health science center with a medical school accredited by the Liaison Committee on Medical Education and a hospital accredited by the Joint Committee on Accreditation of Healthcare Organizations and * * * 2. creates a minimum of twenty-five (25) new jobs and/or Twenty Million Dollars ($20,000,000.00) of capital investment after July 1, 2012.

The term "health care industry facility" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(b) "MDA" means the Mississippi Development Authority.

(c) "Health care industry zone" means a geographical area certified by the MDA as provided for in Section 57-117-5.

(d) "Local government unit" means any county or incorporated city, town or village in the State of Mississippi.

(e) "Person" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity.

(f) "Qualified business" means a business or health care industry facility that meets the requirements of Section 57-117-7 and any other requirements of this chapter. The term "qualified business" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

SECTION 96. Section 57-119-11, Mississippi Code of 1972, is amended as follows:

57-119-11. (1) MDA is further authorized, on such terms and conditions consistent with the criteria set forth in this section as it may determine, to establish programs for making loans, loan guarantees, grants and any other financial assistance from the GCRF to applicants whose projects are approved for assistance under this section. MDA shall establish criteria, rules and procedures for accepting, reviewing, granting or denying

applications, and for terms and conditions of financial assistance under this section in accordance with state law. The Legislature shall appropriate monies from the GCRF to the MDA to fund the programs established under this section in an amount requested annually by MDA for such purpose.

(2) Applicants who are eligible for assistance under this section include, but are not limited to, local units of government, nongovernmental organizations, institutions of higher learning, community colleges, ports, airports, public-private partnerships, private for-profit entities, private nonprofit entities, and local economic development entities.

(3) MDA shall establish programs and an application process to provide assistance to applicants under this section that prioritize:

(a) Projects that will impact the long-term competitiveness of the region and may result in a significant positive impact on tax base, private sector job creation and private sector investment in the region;

(b) Projects that demonstrate the maximum long-term economic benefits and long-term growth potential of the region based on a financial analysis such as a cost-benefit analysis or a return-on-investment analysis;

(c) Projects that demonstrate long-term financial sustainability, including clear performance metrics, over the duration of the project;

(d) Projects that leverage or encourage leveraging of other private sector, local, state and federal funding sources with preference to projects that can demonstrate contributions from other sources than funds from the BP settlement;

(e) Projects that are supported by multiple government or private sector entities;

(f) Projects that can move quickly and efficiently to the design, engineering, and permitting phase;

(g) Projects that enhance the quality of life/place and business environment of the region, including tourism and recreational opportunities;

(h) Projects that expand the region's ability to attract high-growth industries or establish new high-growth industries in the region;

(i) Projects that leverage or further enhance key regional assets, including educational institutions, research facilities, ports, airports, rails and military bases;

(j) Projects that are transformational for the future of the region but create a wider regional impact;

(k) Projects that enhance the marketability of existing industrial properties;

(l) Projects that enhance a targeted industry cluster or create a Center of Excellence unique to the region;

(m) Infrastructure projects for business retention and development;

(n) Projects that enhance research and innovative technologies in the region; and

(o) Projects that provide outcome and return on investment measures, to be judged by clear performance metrics, over the duration of the project or program.

(4) The MDA shall not approve any application for assistance or provide any assistance under this section for projects that are medical cannabis establishments as defined in the Mississippi Medical Cannabis Act or for projects related in any manner to medical cannabis establishments.

SECTION 97. Section 65-4-5, Mississippi Code of 1972, is amended as follows:

65-4-5. (1) The following words when used in this chapter shall have the meanings herein ascribed unless the context otherwise clearly requires:

(a) "Board" means the Mississippi Development Authority;

(b) "Department" means the Mississippi Department of Transportation;

(c) "High economic benefit project" means:

(i) Any new investment by a private company with capital investments in land, buildings, depreciable fixed assets and improvements of at least Seventy Million Dollars ($70,000,000.00);

(ii) Any new investment of at least Twenty Million Dollars ($20,000,000.00) by a private company having capital investments in this state in land, buildings, depreciable fixed assets and improvements of at least One Billion Dollars ($1,000,000,000.00) in the aggregate;

(iii) Public investment of at least One Hundred Million Dollars ($100,000,000.00) to take place over a specified period of time and in accordance with a master plan duly adopted by the controlling political subdivision;

(iv) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) private companies upon land that is adjacent whenever the new investments of both companies are at least Sixty Million Dollars ($60,000,000.00) in the aggregate, and such new investments by both private companies provide for the employment of at least five hundred (500) employees in the aggregate;

(v) Any project which would benefit from the construction of any highway bypass which would aid in economic development and would provide an alternate route to avoid an existing route which underpasses a railroad and which would aid in existing or proposed industry;

(vi) Any master planned community;

(vii) Any new investments in land, buildings, depreciable fixed assets and improvements by not more than three (3) private companies physically located within a one-half-mile

radius of each other whenever the new investments of such companies are at least Sixty Million Dollars ($60,000,000.00) in the aggregate, and such new investments by such companies provide for the employment of at least three hundred (300) new employees in the aggregate;

(viii) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) or more private companies upon lands originally adjacent, but now divided by a four-lane state highway and bordered by a two-lane state highway, and the new investments of the companies are at least Fifty Million Dollars ($50,000,000.00) in the aggregate, and a portion of such new investment will be utilized for the construction of a hospital;

(ix) [Repealed]

(x) Any project as defined in Section 57-75-5(f)(xxi); however, the term "high economic benefit project" does not include the construction of Mississippi Highway 348;

(xi) Any project as defined in Section 17-25-17;

(xii) Any project which would allow access to a national intermodal facility with a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) that is located within five (5) miles of the State of Mississippi and has direct access into an industrial park within the state;

(xiii) Any new investments in land, buildings and depreciable fixed assets and improvements by a private company of

at least One Hundred Million Dollars ($100,000,000.00) over a specified period of time in accordance with a defined capital improvement project approved by the board;

(xiv) Any new investments in land, buildings, depreciable fixed assets and improvements of at least Fifteen Million Dollars ($15,000,000.00) by a private company to establish a private regional or national headquarters and such new investments provide for the employment of at least one hundred (100) new employees in the aggregate over a five-year period with those new employees earning an annual average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified private regional or national headquarters is located, as determined by the Mississippi Department of Employment Security, whichever is less;

However, if the initial investments that a private company made in order to meet the definition of a high economic benefit project under this paragraph (c)(i) and in order to be approved for such project exceeded Fifty Million Dollars ($50,000,000.00), or if subsequent to being approved for the initial project the same company and/or one or more other private companies made additional capital investments exceeding Fifty Million Dollars ($50,000,000.00) in aggregate value in land, buildings, depreciable fixed assets and improvements physically attached to

or forming a part of the initially planned site development, then an amount equal to fifty percent (50%) of all such investments that exceeds Fifty Million Dollars ($50,000,000.00) shall be subtracted from the Sixty Million Dollars ($60,000,000.00) in aggregate value of new investments required under this paragraph (c)(vii).

The term "high economic benefit project" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act or any form of investment related thereto;

(d) "Political subdivision" means one or more counties or incorporated municipalities in the state, or a state-owned port located in a county bordering on the Gulf of Mexico;

(e) "Private company" means:

(i) Any agricultural, aquacultural, maricultural, processing, distribution, warehousing, manufacturing, transportation, tourism or research and development enterprise;

(ii) Any air transportation and maintenance facility, regional shopping mall, hospital, large hotel, resort or movie industry studio;

(iii) The federal government with respect to any specific project which meets the criteria established in paragraph (c)(i) of this subsection;

(iv) Any existing or proposed industry in regard to a project described in paragraph (c)(v) of this subsection;

(v) A developer with respect to any specific project which meets the criteria established in paragraph (c)(vi) of this subsection; or

(vi) A tourism project approved by the board * * *.

The term "private company" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act;

(f) "Master planned community" shall have the same meaning as that term is defined in Section 19-5-10.

(2) The Mississippi Department of Transportation is hereby authorized to purchase rights-of-way and construct and maintain roads and highways authorized to be constructed pursuant to this chapter.

SECTION 98. Section 69-2-11, Mississippi Code of 1972, is amended as follows:

69-2-11. Emerging crop designations shall include, but not be limited to:

(a) Blueberries;

(b) Muscadines;

(c) Christmas trees;

(d) Aquaculture, including any species from the Gulf of Mexico and its tributaries;

(e) Horticulture;

(f) Rabbit farming and processing; and

(g) Others designated by the * * * Mississippi Development Authority or Legislature.

Emerging crop designations shall not include medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

SECTION 99. Section 69-2-13, Mississippi Code of 1972, is amended as follows:

69-2-13. (1) There is hereby established in the State Treasury a fund to be known as the "Emerging Crops Fund," which shall be used to pay the interest on loans made to farmers for nonland capital costs of establishing production of emerging crops on land in Mississippi, and to make loans and grants which are authorized under this section to be made from the fund. The fund shall be administered by the Mississippi Development Authority. A board comprised of the directors of the authority, the Mississippi Cooperative Extension Service, the Mississippi Small Farm Development Center and the Mississippi Agricultural and Forestry Experiment Station, or their designees, shall develop definitions, guidelines and procedures for the implementation of this chapter. Funds for the Emerging Crops Fund shall be provided from the issuance of bonds or notes under Sections 69-2-19 through 69-2-37 and from repayment of interest loans made from the fund.

(2) (a) The Mississippi Development Authority shall develop a program which gives fair consideration to making loans for the processing and manufacturing of goods and services by agribusiness, greenhouse production horticulture, and small

business concerns. It is the policy of the State of Mississippi that the Mississippi Development Authority shall give due recognition to and shall aid, counsel, assist and protect, insofar as is possible, the interests of agribusiness, greenhouse production horticulture, and small business concerns. To ensure that the purposes of this subsection are carried out, the Mississippi Development Authority shall loan not more than One Million Dollars ($1,000,000.00) to finance any single agribusiness, greenhouse production horticulture, or small business concern. Loans made pursuant to this subsection shall be made in accordance with the criteria established in Section 57-71-11.

(b) The Mississippi Development Authority may, out of the total amount of bonds authorized to be issued under this chapter, make available funds to any planning and development district in accordance with the criteria established in Section 57-71-11. Planning and development districts which receive monies pursuant to this provision shall use such monies to make loans to private companies for purposes consistent with this subsection.

(c) The Mississippi Development Authority is hereby authorized to engage legal services, financial advisors, appraisers and consultants if needed to review and close loans made hereunder and to establish and assess reasonable fees, including, but not limited to, liquidation expenses.

(d) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(3) (a) The Mississippi Development Authority shall, in addition to the other programs described in this section, provide for the following programs of loans to be made to agribusiness or greenhouse production horticulture enterprises for the purpose of encouraging thereby the extension of conventional financing and the issuance of letters of credit to such agribusiness or greenhouse production horticulture enterprises by private institutions. Monies to make such loans by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund.

(b) The Mississippi Development Authority may make loans to agribusiness or greenhouse production horticulture enterprises. The amount of any loan to any single enterprise under this paragraph (b) shall not exceed twenty percent (20%) of the total cost of the project for which financing is sought or Two Hundred Fifty Thousand Dollars ($250,000.00), whichever is less. No interest shall be charged on such loans, and only the amount actually loaned shall be required to be repaid. Repayments shall be deposited into the Emerging Crops Fund.

(c) The Mississippi Development Authority also may make loans under this subsection (3) to existing agribusiness or greenhouse production horticulture enterprises for the purpose of assisting such enterprises to make upgrades, renovations, repairs

and other improvements to their equipment, facilities and operations, which shall not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) or thirty percent (30%) of the total cost of the project for which financing is sought, whichever is less. No interest shall be charged on loans made under this paragraph, and only the amount actually loaned shall be required to be repaid. Repayments shall be deposited into the Emerging Crops Fund.

(d) The maximum aggregate amount of loans that may be made under this subsection (3) to any one (1) agribusiness shall be not more than Five Hundred Thousand Dollars ($500,000.00).

(4) (a) Through June 30, 2010, the Mississippi Development Authority may loan or grant to qualified planning and development districts, and to small business investment corporations, bank-based community development corporations, the Recruitment and Training Program, Inc., the City of Jackson Business Development Loan Fund, the Lorman Southwest Mississippi Development Corporation, the West Jackson Community Development Corporation, the East Mississippi Development Corporation, and other entities meeting the criteria established by the Mississippi Development Authority (all referred to hereinafter as "qualified entities"), funds for the purpose of establishing loan revolving funds to assist in providing financing for minority economic development. The monies loaned or granted by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed Twenty-nine Million Dollars ($29,000,000.00) in the

aggregate. Planning and development districts or qualified entities which receive monies pursuant to this provision shall use such monies to make loans to minority business enterprises consistent with criteria established by the Mississippi Development Authority. Such criteria shall include, at a minimum, the following:

(i) The business enterprise must be a private, for-profit enterprise.

(ii) If the business enterprise is a proprietorship, the borrower must be a resident citizen of the State of Mississippi; if the business enterprise is a corporation or partnership, at least fifty percent (50%) of the owners must be resident citizens of the State of Mississippi.

(iii) The borrower must have at least five percent (5%) equity interest in the business enterprise.

(iv) The borrower must demonstrate ability to repay the loan.

(v) The borrower must not be in default of any previous loan from the state or federal government.

(vi) Loan proceeds may be used for financing all project costs associated with development or expansion of a new small business, including fixed assets, working capital, start-up costs, rental payments, interest expense during construction and professional fees related to the project.

(vii) Loan proceeds shall not be used to pay off existing debt for loan consolidation purposes; to finance the acquisition, construction, improvement or operation of real property which is to be held primarily for sale or investment; to provide for, or free funds, for speculation in any kind of property; or as a loan to owners, partners or stockholders of the applicant which do not change ownership interest by the applicant. However, this does not apply to ordinary compensation for services rendered in the course of business.

(viii) The maximum amount that may be loaned to any one (1) borrower shall be Two Hundred Fifty Thousand Dollars ($250,000.00).

(ix) The Mississippi Development Authority shall review each loan before it is made, and no loan shall be made to any borrower until the loan has been reviewed and approved by the Mississippi Development Authority.

(b) For the purpose of this subsection, the term "minority business enterprise" means a socially and economically disadvantaged small business concern, organized for profit, performing a commercially useful function which is owned and controlled by one or more minorities or minority business enterprises certified by the Mississippi Development Authority, at least fifty percent (50%) of whom are resident citizens of the State of Mississippi. Except as otherwise provided, for purposes of this subsection, the term "socially and economically

disadvantaged small business concern" shall have the meaning ascribed to such term under the Small Business Act (15 USCS, Section 637(a)), or women, and the term "owned and controlled" means a business in which one or more minorities or minority business enterprises certified by the Mississippi Development Authority own sixty percent (60%) or, in the case of a corporation, sixty percent (60%) of the voting stock, and control sixty percent (60%) of the management and daily business operations of the business. However, an individual whose personal net worth exceeds Five Hundred Thousand Dollars ($500,000.00) shall not be considered to be an economically disadvantaged individual.

From and after July 1, 2010, monies not loaned or granted by the Mississippi Development Authority to planning and development districts or qualified entities under this subsection, and monies not loaned by planning and development districts or qualified entities, shall be deposited to the credit of the sinking fund created and maintained in the State Treasury for the retirement of bonds issued under Section 69-2-19.

(c) Notwithstanding any other provision of this subsection to the contrary, if federal funds are not available for commitments made by a planning and development district to provide assistance under any federal loan program administered by the planning and development district in coordination with the Appalachian Regional Commission or Economic Development

Administration, or both, a planning and development district may use funds in its loan revolving fund, which have not been committed otherwise to provide assistance, for the purpose of providing temporary funding for such commitments. If a planning and development district uses uncommitted funds in its loan revolving fund to provide such temporary funding, the district shall use funds repaid to the district under the temporarily funded federal loan program to replenish the funds used to provide the temporary funding. Funds used by a planning and development district to provide temporary funding under this paragraph (c) must be repaid to the district's loan revolving fund no later than twelve (12) months after the date the district provides the temporary funding. A planning and development district may not use uncommitted funds in its loan revolving fund to provide temporary funding under this paragraph (c) on more than two (2) occasions during a calendar year. A planning and development district may provide temporary funding for multiple commitments on each such occasion. The maximum aggregate amount of uncommitted funds in a loan revolving fund that may be used for such purposes during a calendar year shall not exceed seventy percent (70%) of the uncommitted funds in the loan revolving fund on the date the district first provides temporary funding during the calendar year.

(d) If the Mississippi Development Authority determines that a planning and development district or qualified entity has

provided loans to minority businesses in a manner inconsistent with the provisions of this subsection, then the amount of such loans so provided shall be withheld by the Mississippi Development Authority from any additional grant funds to which the planning and development district or qualified entity becomes entitled under this subsection. If the Mississippi Development Authority determines, after notifying such planning and development district or qualified entity twice in writing and providing such planning and development district or qualified entity a reasonable opportunity to comply, that a planning and development district or qualified entity has consistently failed to comply with this subsection, the Mississippi Development Authority may declare such planning and development district or qualified entity in default under this subsection and, upon receipt of notice thereof from the Mississippi Development Authority, such planning and development district or qualified entity shall immediately cease providing loans under this subsection, shall refund to the Mississippi Development Authority for distribution to other planning and development districts or qualified entities all funds held in its revolving loan fund and, if required by the Mississippi Development Authority, shall convey to the Mississippi Development Authority all administrative and management control of loans provided by it under this subsection.

(e) If the Mississippi Development Authority determines, after notifying a planning and development district or

qualified entity twice in writing and providing copies of such notification to each member of the Legislature in whose district or in a part of whose district such planning and development district or qualified entity is located and providing such planning and development district or qualified entity a reasonable opportunity to take corrective action, that a planning and development district or qualified entity administering a revolving loan fund under the provisions of this subsection is not actively engaged in lending as defined by the rules and regulations of the Mississippi Development Authority, the Mississippi Development Authority may declare such planning and development district or qualified entity in default under this subsection and, upon receipt of notice thereof from the Mississippi Development Authority, such planning and development district or qualified entity shall immediately cease providing loans under this subsection, shall refund to the Mississippi Development Authority for distribution to other planning and development districts or qualified entities all funds held in its revolving loan fund and, if required by the Mississippi Development Authority, shall convey to the Mississippi Development Authority all administrative and management control of loans provided by it under this subsection.

(5) The Mississippi Development Authority shall develop a program which will assist minority business enterprises by guaranteeing bid, performance and payment bonds which such minority businesses are required to obtain in order to contract

with federal agencies, state agencies or political subdivisions of the state. The Mississippi Development Authority may secure letters of credit, as determined necessary by the authority, to guarantee bid, performance and payment bonds pursuant to this subsection. Monies for such program shall be drawn from the monies allocated under subsection (4) of this section to assist the financing of minority economic development and shall not exceed Three Million Dollars ($3,000,000.00) in the aggregate. The Mississippi Development Authority may promulgate rules and regulations for the operation of the program established pursuant to this subsection. For the purpose of this subsection (5), the term "minority business enterprise" has the meaning assigned such term in subsection (4) of this section.

(6) The Mississippi Development Authority may loan or grant to public entities and to nonprofit corporations funds to defray the expense of financing (or to match any funds available from other public or private sources for the expense of financing) projects in this state which are devoted to the study, teaching and/or promotion of regional crafts and which are deemed by the authority to be significant tourist attractions. The monies loaned or granted shall be drawn from the Emerging Crops Fund and shall not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) in the aggregate.

(7) Through June 30, 2006, the Mississippi Development Authority shall make available to the Mississippi Department of

Agriculture and Commerce funds for the purpose of establishing loan revolving funds and other methods of financing for agribusiness programs administered under the Mississippi Agribusiness Council Act of 1993. The monies made available by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed One Million Two Hundred Thousand Dollars ($1,200,000.00) in the aggregate. The Mississippi Department of Agriculture and Commerce shall establish control and auditing procedures for use of these funds. These funds will be used primarily for quick payment to farmers for vegetable and fruit crops processed and sold through vegetable processing plants associated with the Department of Agriculture and Commerce and the Mississippi State Extension Service.

(8) From and after July 1, 1996, the Mississippi Development Authority shall make available to the Mississippi Small Farm Development Center One Million Dollars ($1,000,000.00) to be used by the center to assist small entrepreneurs as provided in Section 37-101-25, Mississippi Code of 1972. The monies made available by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund.

(9) [Repealed]

(10) The Mississippi Development Authority shall make available to the Small Farm Development Center at Alcorn State University funds in an aggregate amount not to exceed Three Hundred Thousand Dollars ($300,000.00), to be drawn from the cash

balance of the Emerging Crops Fund. The Small Farm Development Center at Alcorn State University shall use such funds to make loans to producers of sweet potatoes and cooperatives anywhere in the State of Mississippi owned by sweet potato producers to assist in the planting of sweet potatoes and the purchase of sweet potato production and harvesting equipment. A report of the loans made under this subsection shall be furnished by January 15 of each year to the Chairman of the Senate Agriculture Committee and the Chairman of the House Agriculture Committee.

(11) The Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce "Make Mine Mississippi" program an amount not to exceed One Hundred Fifty Thousand Dollars ($150,000.00) to be drawn from the cash balance of the Emerging Crops Fund.

(12) The Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce an amount not to exceed One Hundred Fifty Thousand Dollars ($150,000.00) to be drawn from the cash balance of the Emerging Crops Fund to be used for the rehabilitation and maintenance of the Mississippi Farmers Central Market in Jackson, Mississippi.

(13) The Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce an amount not to exceed Twenty-five Thousand Dollars ($25,000.00) to be drawn from the cash balance of the Emerging

Crops Fund to be used for advertising purposes related to the Mississippi Farmers Central Market in Jackson, Mississippi.

(14) (a) The Mississippi Development Authority shall, in addition to the other programs described in this section, provide for a program of loan guaranties to be made on behalf of any nonprofit entity qualified under Section 501(c)(3) of the Internal Revenue Code and certified by the United States Department of the Treasury as a community development financial institution for the purpose of encouraging the extension of financing to such an entity which financing the entity will use to make funds available to other entities for the purpose of making loans available in low-income communities in Mississippi. Monies to make such loan guaranties by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed Two Million Dollars ($2,000,000.00) in the aggregate. The amount of a loan guaranty on behalf of such an entity under this subsection (14) shall not exceed Two Million Dollars ($2,000,000.00). Assistance received by an entity under this subsection (14) shall not disqualify the entity from obtaining any other assistance under this chapter.

(b) An entity desiring assistance under this subsection (14) must submit an application to the Mississippi Development Authority. The application must include any information required by the Mississippi Development Authority.

(c) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this subsection (14), and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this subsection (14).

(15) (a) The Mississippi Development Authority shall, in addition to the other programs described in this section, provide for a program of grants to agribusiness enterprises that process, dry, store or ship peanuts and if the enterprise has invested prior to April 17, 2009, a minimum of Six Million Dollars ($6,000,000.00) in land, facilities and equipment in this state that are utilized to process, dry, store or ship peanuts. Monies to make such grants by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed One Million Dollars ($1,000,000.00) in the aggregate. The amount of a grant under this subsection (15) shall not exceed One Million Dollars ($1,000,000.00).

(b) An entity desiring assistance under this subsection (15) must submit an application to the Mississippi Development Authority. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested, the amount of assistance requested and any other information required by the Mississippi Development Authority.

(c) As a condition of the receipt of a grant under this subsection (15), an entity must agree to remain in business in this state for not less than five (5) years and must meet other conditions established by the Mississippi Development Authority to ensure that the assistance results in an economic benefit to the state. The Mississippi Development Authority shall require that binding commitments be entered into requiring that:

(i) The minimum requirements provided for in this subsection (15) and the conditions established by the Mississippi Development Authority are met; and

(ii) If such commitments and conditions are not met, all or a portion of the funds provided pursuant to this subsection (15) shall be repaid.

(d) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this subsection (15), and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this subsection (15).

(16) (a) The Mississippi Development Authority, in addition to the other programs described in this section, shall provide for a program of loan guaranties to be made on behalf of certain agribusinesses engaged in sweet potato growing and farming for the purpose of encouraging thereby the extension of conventional financing and the issuance of letters of credit to such

agribusinesses by lenders. The amount of a loan guaranty made on behalf of such an agribusiness shall be ninety percent (90%) of the amount of assistance made available by a lender for the purposes authorized under this subsection (16). Monies to make such loan guaranties by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed Seventeen Million Dollars ($17,000,000.00) in the aggregate.

(b) In order to be eligible for assistance under this subsection (16) an agribusiness must:

(i) Have been actively engaged in sweet potato growing and farming in this state before January 1, 2010;

(ii) Have incurred a disaster-related loss for sweet potato growing and farming purposes for calendar year 2009, as determined by a lender;

(iii) Agree to obtain and maintain federal Noninsured Agricultural Program (NAP) insurance coverage for the outstanding balance of any assistance received under this subsection (16); and

(iv) Satisfy underwriting criteria established by a lender related to loans under this subsection (16).

(c) (i) An entity desiring assistance under this subsection must submit an application for assistance to a lender not later than August 1, 2010. The application must include:

1. Information verifying the length of time the applicant has been actively engaged in sweet potato growing and farming in this state;

2. Information regarding the number of acres used by the applicant for sweet potato growing and farming purposes during the 2009 calendar year, as certified to by the Farm Services Authority (FSA) or the Mississippi Department of Agriculture and Commerce (MDAC), and the number of acres the applicant intends to use for such purposes during the 2010 calendar year;

3. The average cost per acre incurred by the applicant for sweet potato growing and farming purposes during the 2009 calendar year, as certified to by the FSA or MDAC, and an estimate of the average cost per acre to be incurred by the applicant for such purposes during the calendar year for which application is made;

4. The amount of assistance requested;

5. A statement from the applicant agreeing that he will obtain and maintain NAP insurance coverage for the outstanding balance of any assistance received under this subsection (16); and

6. Any other information required by the lender and/or the MDA.

(ii) The lender shall review the application for assistance and determine whether the applicant qualifies for

assistance under this subsection (16). If the lender determines that the applicant qualifies for assistance, the lender shall loan funds to the applicant subject to the provisions of this subsection (16).

(d) Loans made under this subsection (16) shall be subject to the following conditions:

(i) The maximum amount of a loan to a borrower shall not exceed One Thousand Seven Hundred Dollars ($1,700.00) per acre and shall exclude any machinery and equipment costs.

(ii) The proceeds of a loan may be used only for paying a borrower's sweet potato planting, production and harvesting costs, excluding machinery and equipment costs.

(iii) The proceeds of a loan may not be used to repay, satisfy or finance existing debt.

(iv) The time allowed for repayment of a loan shall not be more than five (5) years, and there shall be no penalty, fee or other charge imposed for the prepayment of a loan.

(e) The receipt of assistance by a person or other entity under any other program described in this section shall not disqualify the person or entity from obtaining a loan under the program established in this subsection (16) if the person or entity is otherwise eligible under this program. In addition, the receipt of a loan by a person or other entity under the program established under this subsection (16) shall not disqualify the

person or entity from obtaining assistance under any other program described in this section.

(f) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this subsection (16), and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this subsection (16).

(17) Notwithstanding any other provision of this section to the contrary, the Mississippi Development Authority shall not provide loans, loan guaranties, grants or any other form of assistance to medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

SECTION 100. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2097

Description: MS Real Estate Commission; require to establish program using administrative hearing officers.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/12	(S) Referred To Business and Financial Institutions
2	01/12	(S) Title Suff Do Pass
3	01/13	(S) Passed {Vote}
4	01/13	(S) Motion to Reconsider Entered
5	01/18	(S) Motion to Reconsider Tabled
6	01/18	(S) Transmitted To House
7	01/20	(H) Referred To Accountability, Efficiency, Transparency
8	01/20	(H) Title Suff Do Pass
9	01/25	(H) Passed {Vote}
10	01/26	(H) Returned For Enrolling
11	01/27	(S) Enrolled Bill Signed
12	01/27	(H) Enrolled Bill Signed
13	02/02	Approved by Governor

Code Section: A 073-0035-0023, A 073-0035-0025, A 073-0035-0021

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Accountability, Efficiency, Transparency

Principal Author: Sparks
Additional Authors: Tate, Thompson, DeLano, Boyd, Hickman, Chism, Whaley, McCaughn, Seymour, Moran, England, McMahan, Caughman, Barnett, Younger, Suber, McLendon, Jackson (11th), Branning, Thomas, Polk, Williams

Title: AN ACT TO AMEND SECTION 73-35-23, MISSISSIPPI CODE OF 1972, TO REQUIRE THE REAL ESTATE COMMISSION TO ESTABLISH A PROGRAM ALLOWING ADMINISTRATIVE HEARINGS ON CERTAIN LICENSING MATTERS

UNDER ITS JURISDICTION; TO PROVIDE THAT ADMINISTRATIVE HEARING OFFICERS SHALL BE STAFF ATTORNEYS EMPLOYED BY THE ATTORNEY GENERAL; TO PROHIBIT CERTAIN COMMUNICATIONS BY THE COMMISSION PRIOR TO DELIVERY OF NOTICE TO THE LICENSEE'S RESPONSIBLE BROKER; TO AMEND SECTION 73-35-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN APPEAL TAKEN BY A DEFENDANT FROM AN ADVERSE RULING OR ORDER OF THE MISSISSIPPI REAL ESTATE COMMISSION SHALL ACT AS AN AUTOMATIC SUPERSEDEAS; TO AMEND SECTION 73-35-21, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Sparks, Tate, Thompson, DeLano, Boyd, Hickman, Chism, Whaley, McCaughn, Seymour, Moran, England, McMahan, Caughman, Barnett, Younger, Suber, McLendon, Jackson (11th), Branning, Thomas, Polk, Williams

To: Business and Financial Institutions

SENATE BILL NO. 2097

AN ACT TO AMEND SECTION 73-35-23, MISSISSIPPI CODE OF 1972, TO REQUIRE THE REAL ESTATE COMMISSION TO ESTABLISH A PROGRAM ALLOWING ADMINISTRATIVE HEARINGS ON CERTAIN LICENSING MATTERS UNDER ITS JURISDICTION; TO PROVIDE THAT ADMINISTRATIVE HEARING OFFICERS SHALL BE STAFF ATTORNEYS EMPLOYED BY THE ATTORNEY GENERAL; TO PROHIBIT CERTAIN COMMUNICATIONS BY THE COMMISSION PRIOR TO DELIVERY OF NOTICE TO THE LICENSEE'S RESPONSIBLE BROKER; TO AMEND SECTION 73-35-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN APPEAL TAKEN BY A DEFENDANT FROM AN ADVERSE RULING OR ORDER OF THE MISSISSIPPI REAL ESTATE COMMISSION SHALL ACT AS AN AUTOMATIC SUPERSEDEAS; TO AMEND SECTION 73-35-21, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-35-23, Mississippi Code of 1972, is amended as follows:

73-35-23. (1) The commission is hereby authorized and directed to take legal action against any violator of this chapter. Upon complaint initiated by the commission or filed with it, the licensee or any other person charged with a violation of this chapter shall be given fifteen (15) days' notice of the hearing upon the charges filed, together with notice of the option of appearing before the commission or an administrative hearing

officer as provided in subsection (7) of this section, and a copy of the complaint. The applicant or licensee or other violator shall have an opportunity to be heard in person or by counsel, to offer testimony, and to examine witnesses appearing in connection with the complaint. Hearings shall be held at the offices of the Mississippi Real Estate Commission, or at the commission's sole discretion, at a place determined by the commission.

At such hearings, all witnesses shall be properly sworn and stenographic notes of the proceedings shall be taken and filed as a part of the record in the case. Any party to the proceedings shall be furnished with a copy of such stenographic notes upon payment to the commission of such fees as it shall prescribe, not exceeding, however, the actual cost to the commission. The preponderance of evidence standard of proof shall be used to examine factors during all hearings. The commission shall render a decision on any complaint and shall immediately notify the parties to the proceedings in writing of its ruling, order or decision.

(2) In addition to the authority granted to the commission as hereinabove set forth, the commission is hereby vested with the authority to bring injunctive proceedings in any appropriate forum against any violator or violators of this chapter, and all judges or courts now having the power to grant injunctions are specifically granted the power and jurisdiction to hear and dispose of such proceedings.

(3) The commission is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the commission shall extend to all parts of the state, and such process shall be served by any person designated by the commission for such service. The person serving such process may receive such compensation as may be allowed by the commission, not to exceed the fee prescribed by law for similar services. All witnesses who are subpoenaed and who appear in any proceedings before the commission may receive the same fees and mileage as allowed by law, and all such fees shall be taxed as part of the costs in the case.

(4) Where in any proceeding before the commission any witness shall fail or refuse to attend upon subpoena issued by the commission, shall refuse to testify, or shall refuse to produce any books and papers the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the same manner as the attendance and testimony of witnesses in civil cases are enforced in the courts of this state.

(5) The commission may obtain legal counsel privately to represent it in proceedings when legal counsel is required.

(6) No commissioner, administrator, employee, investigator, representative or agent of the commission shall communicate with a licensee in connection with any preliminary or formal

investigation associated with alleged violations of licensing law or regulations prior to the delivery of written notice to the licensee's responsible broker. Any licensee represented by legal counsel shall be entitled to communication through such legal counsel unless waived in writing by the licensee.

(7) The commission shall establish an administrative hearing option by July 1, 2022, which shall consist of administrative hearing officers designated by the Attorney General for the purpose of holding hearings, hearing evidence and rendering decisions on matters determined to be the subject of a hearing for a licensee or any other person charged with a violation of this chapter or affecting the license of any person coming under its jurisdiction, when the licensee or any other person charged with a violation of this chapter shall request, in writing, for the matter to be heard by the administrative hearing officer. Administrative hearing officers shall be staff attorneys employed by the Attorney General's office, but must not currently hold a license issued by the commission. The administrative hearing officers shall have the same powers and authority in conducting hearings and rendering decisions as granted to the commission in this section. Hearings before an administrative hearing officer shall be held in the City of Jackson, Mississippi, at a place, time and manner agreed upon by the commission and the hearing officer. The preponderance of evidence standard of proof shall be used to examine factors during all hearings. Any right of appeal

available to a licensee or applicant for a license availing itself to the provisions hereof shall be preserved as if the matter had been heard and decided by the commission.

(8) Nothing in this section shall preclude the commission and a licensee from entering into an agreed order resolving a complaint prior to the hearing.

SECTION 2. Section 73-35-25, Mississippi Code of 1972, is amended as follows:

73-35-25. (1) Any applicant or licensee or person aggrieved shall have the right of appeal from any adverse ruling or order or decision of the commission or administrative hearing officer to the circuit court of the county of residence of the applicant, licensee or person, or of the First Judicial District of Hinds County, within thirty (30) days from the service of notice of the action of the commission upon the parties in interest.

(2) Notice of appeals shall be filed in the office of the clerk of the court who shall issue a writ of certiorari directed to the commission commanding it, within thirty (30) days after service thereof, to certify to such court its entire record in the matter in which the appeal has been taken. The appeal shall thereupon be heard in due course by said court, without a jury, which shall review the record and make its determination of the cause between the parties.

(3) Any order, rule or decision of the commission or administrative hearing officer shall not take effect until after

the time for appeal to * * * the court * * * has expired. * * * If an appeal is taken by a defendant, such appeal * * * shall act * * * as * * * an automatic supersedeas and the court shall dispose of * * * the appeal and enter its decision promptly. However, the commission may file a motion within ten (10) days of the date of filing the notice of appeal and request the court to lift the supersedeas upon the commission's showing, by clear and convincing evidence, that immediate and irreparable harm will or may occur if the licensee or person aggrieved were to continue operating as a licensee.

(4) Any person taking an appeal shall post a satisfactory bond in the amount of Five Hundred Dollars ($500.00) for the payment of any costs which may be adjudged against him.

(5) Actions taken by the commission in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

SECTION 3. Section 73-35-21, Mississippi Code of 1972, is amended as follows:

73-35-21. (1) The commission may, upon its own motion and shall upon the verified complaint in writing of any person, hold a hearing pursuant to Section 73-35-23 for the refusal of license or

for the suspension or revocation of a license previously issued, or for such other action as the commission deems appropriate. The commission shall have full power to refuse a license for cause or to revoke or suspend a license where it has been obtained by false or fraudulent representation, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

(a) Making any substantial misrepresentation in connection with a real estate transaction;

(b) Making any false promises of a character likely to influence, persuade or induce;

(c) Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or salespersons or any medium of advertising or otherwise;

(d) Any misleading or untruthful advertising;

(e) Acting for more than one (1) party in a transaction or receiving compensation from more than one (1) party in a transaction, or both, without the knowledge of all parties for whom he acts;

(f) Failing, within a reasonable time, to account for or to remit any monies coming into his possession which belong to others, or commingling of monies belonging to others with his own funds. Every responsible broker procuring the execution of an earnest money contract or option or other contract who shall take or receive any cash or checks shall deposit, within a reasonable

period of time, the sum or sums so received in a trust or escrow account in a bank or trust company pending the consummation or termination of the transaction. "Reasonable time" in this context means by the close of business of the next banking day;

(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state, or any other state or the United States of any felony;

(h) Displaying a "for sale" or "for rent" sign on any property without the owner's consent;

(i) Failing to furnish voluntarily, at the time of signing, copies of all listings, contracts and agreements to all parties executing the same;

(j) Paying any rebate, profit or commission to any person other than a real estate broker or salesperson licensed under the provisions of this chapter;

(k) Inducing any party to a contract, sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract, where such substitution is motivated by the personal gain of the licensee;

(l) Accepting a commission or valuable consideration as a real estate salesperson for the performance of any of the acts specified in this chapter from any person, except his employer who must be a licensed real estate broker;

(m) Failing to successfully pass the commission's background investigation for licensure or renewal as provided in Section 73-35-10; or

(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing. However, simple contact and/or communication with any mortgage broker or lender by a real estate licensee about any professional, including, but not limited to, an appraiser, home inspector, contractor, and/or attorney regarding a listing and/or a prospective or pending contract for the lease, sale and/or purchase of real estate shall not constitute conduct in violation of this section.

(2) No real estate broker shall practice law or give legal advice directly or indirectly unless said broker be a duly licensed attorney under the laws of this state. He shall not act as a public conveyancer nor give advice or opinions as to the legal effect of instruments nor give opinions concerning the validity of title to real estate; nor shall he prevent or discourage any party to a real estate transaction from employing the services of an attorney; nor shall a broker undertake to prepare documents fixing and defining the legal rights of parties to a transaction. However, when acting as a broker, he may use an earnest money contract form. A real estate broker shall not participate in attorney's fees, unless the broker is a duly

licensed attorney under the laws of this state and performs legal services in addition to brokerage services.

(3) It is expressly provided that it is not the intent and purpose of the Mississippi Legislature to prevent a license from being issued to any person who is found to be of good reputation, is able to give bond, and who has lived in the State of Mississippi for the required period or is otherwise qualified under this chapter.

(4) In addition to the reasons specified in subsection (1) of this section, the commission shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(5) Nothing in this chapter shall prevent an associate broker or salesperson from owning any lawfully constituted business organization, including, but not limited to, a corporation, limited liability company or limited liability

partnership, for the purpose of receiving payments contemplated in this chapter. The business organization shall not be required to be licensed under this chapter and shall not engage in any other activity requiring a real estate license.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2113

Description: Critical Race Theory; prohibit.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/12	(S) Referred To Education
2	01/20	(S) Title Suff Do Pass Comm Sub
3	01/21	(S) Committee Substitute Adopted
4	01/21	(S) Passed {Vote}
5	01/24	(S) Transmitted To House
6	02/24	(H) Referred To Universities and Colleges
7	02/28	(H) Title Suff Do Pass
8	03/01	(H) Read the Third Time
9	03/03	(H) Passed {Vote}
10	03/03	(H) Motion to Reconsider Entered (Hines, Huddleston, Scoggin)
11	03/09	(H) Motion to Reconsider Tabled
12	03/09	(H) Returned For Enrolling
13	03/11	(S) Enrolled Bill Signed
14	03/11	(H) Enrolled Bill Signed
15	03/14	Approved by Governor

Amendments:

[H] Amendment No 1Lost{Vote}
[H] Amendment No 2Lost{Vote}
[H] Amendment No 3Lost{Vote}
[H] Amendment No 4Lost{Vote}
[H] Amendment No 5Lost{Vote}
[H] Amendment No 6Lost{Vote}
[H] Amendment No 7Lost{Vote}
[H] Amendment No 8Lost{Vote}
[H] Amendment No 9Lost{Vote}
[H] Amendment No 10Lost{Vote}
[H] Amendment No 11Lost{Vote}

[H] Amendment No 12Lost{Vote}
[H] Amendment No 13Lost{Vote}
[H] Amendment No 14Lost{Vote}
[H] Amendment No 15Lost{Vote}
[H] Amendment No 16Lost{Vote}
[H] Amendment No 17Lost{Vote}

----- Additional Information -----

Senate Committee: Education
House Committee: Universities and Colleges

Principal Author: McLendon
Additional Authors: Blackwell, Younger, Tate, Wiggins, McCaughn, Parks, Seymour, Caughman, Chassaniol, Sparks, Kirby, Whaley, England, Chism, Michel, McMahan, Fillingane, Branning, Moran, Suber, McDaniel, Sojourner, Williams

Title: AN ACT TO CREATE NEW SECTION 37-13-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO PUBLIC INSTITUTION OF HIGHER LEARNING, COMMUNITY/JUNIOR COLLEGE, SCHOOL DISTRICT OR CHARTER SCHOOL SHALL DIRECT OR COMPEL STUDENTS TO AFFIRM THAT ANY SEX, RACE, ETHNICITY, RELIGION OR NATIONAL ORIGIN IS INHERENTLY SUPERIOR, OR THAT INDIVIDUALS SHOULD BE ADVERSELY TREATED BASED ON SUCH CHARACTERISTICS; TO PROVIDE THAT NO DISTINCTION OR CLASSIFICATION OF STUDENTS SHALL BE MADE ON ACCOUNT OF RACE OTHER THAN THE REQUIRED COLLECTION OR REPORTING OF DEMOGRAPHIC INFORMATION; TO PROVIDE THAT NO COURSE OF INSTRUCTION SHALL BE TAUGHT THAT AFFIRMS SUCH PRINCIPLES; TO PROVIDE THAT NO FUNDS SHALL BE EXPENDED BY THE STATE DEPARTMENT OF EDUCATION, ANY ENTITY UNDER THE DEPARTMENT'S JURISDICTION, SCHOOL DISTRICTS, CHARTER SCHOOLS, COMMUNITY/JUNIOR COLLEGES, THE MISSISSIPPI COMMUNITY COLLEGE BOARD, THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING OR PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR ANY PURPOSE THAT WOULD VIOLATE THIS ACT; TO PROVIDE FOR THE SEVERABILITY OF THE ACT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2113

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) McLendon, Blackwell, Younger, Tate, Wiggins, McCaughn, Parks, Seymour, Caughman, Chassaniol, Sparks, Kirby, Whaley, England, Chism, Michel, McMahan, Fillingane, Branning, Moran, Suber, McDaniel, Sojourner, Williams

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2113

AN ACT TO CREATE NEW SECTION 37-13-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO PUBLIC INSTITUTION OF HIGHER LEARNING, COMMUNITY/JUNIOR COLLEGE, SCHOOL DISTRICT OR CHARTER SCHOOL SHALL DIRECT OR COMPEL STUDENTS TO AFFIRM THAT ANY SEX, RACE, ETHNICITY, RELIGION OR NATIONAL ORIGIN IS INHERENTLY SUPERIOR, OR THAT INDIVIDUALS SHOULD BE ADVERSELY TREATED BASED ON SUCH CHARACTERISTICS; TO PROVIDE THAT NO DISTINCTION OR CLASSIFICATION OF STUDENTS SHALL BE MADE ON ACCOUNT OF RACE OTHER THAN THE REQUIRED COLLECTION OR REPORTING OF DEMOGRAPHIC INFORMATION; TO PROVIDE THAT NO COURSE OF INSTRUCTION SHALL BE TAUGHT THAT AFFIRMS SUCH PRINCIPLES; TO PROVIDE THAT NO FUNDS SHALL BE EXPENDED BY THE STATE DEPARTMENT OF EDUCATION, ANY ENTITY UNDER THE DEPARTMENT'S JURISDICTION, SCHOOL DISTRICTS, CHARTER SCHOOLS, COMMUNITY/JUNIOR COLLEGES, THE MISSISSIPPI COMMUNITY COLLEGE BOARD, THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING OR PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR ANY PURPOSE THAT WOULD VIOLATE THIS ACT; TO PROVIDE FOR THE SEVERABILITY OF THE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 37-13-2, Mississippi Code of 1972:

37-13-2. (1) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall direct or otherwise compel students to personally affirm, adopt or adhere to any of the following tenets:

(a) That any sex, race, ethnicity, religion or national origin is inherently superior or inferior; or

(b) That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion or national origin.

(2) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall make a distinction or classification of students based on account of race, provided that nothing in this subsection shall be construed to prohibit the required collection or reporting of demographic information by such schools or institutions.

(3) No public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall teach a course of instruction or unit of study that directs or otherwise compels students to personally affirm, adopt or adhere to any of the tenets identified in subsection (1)(a) and (b) of this section.

(4) No funds shall be expended by the State Department of Education, any entity under the Department of Education's jurisdiction or purview, a school district, public charter school, community/junior college, the Mississippi Community College Board, the Board of Trustees of State Institutions of Higher Learning or a public institution of higher learning for any purpose that would violate the provisions of this section.

(5) The provisions of this section shall be severable, and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2431

Description: Procedure for the purchase of textbooks by the State Board of Education; revise provisions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Education
2	01/31	(S) Title Suff Do Pass Comm Sub
3	02/03	(S) Committee Substitute Adopted
4	02/03	(S) Passed {Vote}
5	02/07	(S) Transmitted To House
6	02/08	(H) Referred To Education
7	02/24	(H) Title Suff Do Pass As Amended
8	03/08	(H) Read the Third Time
9	03/09	(H) Passed {Vote}
10	03/10	(H) Returned For Enrolling
11	03/11	(S) Enrolled Bill Signed
12	03/11	(H) Enrolled Bill Signed
13	03/11	Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled

Code Section: A 037-0043-0021, A 037-0043-0023, A 037-0043-0031, A 037-0043-0033, A 037-0043-0059, BF 037-0043-0001, BF 037-0043-0002, BF 037-0043-0017, BF 037-0043-0019, BF 037-0043-0024, BF 037-0043-0025, BF 037-0043-0027, BF 037-0043-0029, BF 037-0043-0039, BF 037-0043-0041, BF 037-0043-0043, BF 037-0043-0045, BF 037-0043-0047, BF 037-0043-0051, BF 037-0043-0057, RP 037-0043-0037, RP 037-0043-0049, RP 037-0043-0053, RP 037-0043-0055

----- Additional Information -----

Senate Committee: Education
House Committee: Education

Principal Author: DeBar

Title: AN ACT TO AMEND SECTIONS 37-43-21 AND 37-43-23, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT ANY TEXTBOOK SUPPLIER WITH WHOM THE STATE BOARD OF EDUCATION HAS CONTRACTED TO PROVIDE ALL OF THE STATE'S TEXTBOOKS SHALL MAINTAIN A DEPOSITORY IN THE STATE OF MISSISSIPPI; TO PROVIDE THAT SUCH SUPPLIER MAY HAVE A DEPOSITORY WITHIN THE STATE OR IN A REGIONAL AREA LOCATED IN REASONABLE PROXIMITY TO THE STATE; TO AMEND SECTION 37-43-31, MISSISSIPPI CODE OF 1972, TO CLARIFY INTERNAL REFERENCES AND CORRECT GRAMMATICAL ERRORS; TO AMEND SECTIONS 37-43-33 AND 37-43-59, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 37-43-1, 37-43-2, 37-43-17, 37-43-19, 37-43-24, 37-43-25, 37-43-27, 37-43-29, 37-43-39, 37-43-41, 37-43-43, 37-43-45, 37-43-47, 37-43-51 AND 37-43-57, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO REPEAL SECTIONS 37-43-37, 37-43-49, 37-43-53 AND 37-43-55, MISSISSIPPI CODE OF 1972, WHICH ARE VARIOUS OBSOLETE PROVISIONS OF THE MISSISSIPPI TEXTBOOK LAW; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2431

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) DeBar To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2431

AN ACT TO AMEND SECTIONS 37-43-21 AND 37-43-23, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT ANY TEXTBOOK SUPPLIER WITH WHOM THE STATE BOARD OF EDUCATION HAS CONTRACTED TO PROVIDE ALL OF THE STATE'S TEXTBOOKS SHALL MAINTAIN A DEPOSITORY IN THE STATE OF MISSISSIPPI; TO PROVIDE THAT SUCH SUPPLIER MAY HAVE A DEPOSITORY WITHIN THE STATE OR IN A REGIONAL AREA LOCATED IN REASONABLE PROXIMITY TO THE STATE; TO AMEND SECTION 37-43-31, MISSISSIPPI CODE OF 1972, TO CLARIFY INTERNAL REFERENCES AND CORRECT GRAMMATICAL ERRORS; TO AMEND SECTIONS 37-43-33 AND 37-43-59, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 37-43-1, 37-43-2, 37-43-17, 37-43-19, 37-43-24, 37-43-25, 37-43-27, 37-43-29, 37-43-39, 37-43-41, 37-43-43, 37-43-45, 37-43-47, 37-43-51 AND 37-43-57, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO REPEAL SECTIONS 37-43-37, 37-43-49, 37-43-53 AND 37-43-55, MISSISSIPPI CODE OF 1972, WHICH ARE VARIOUS OBSOLETE PROVISIONS OF THE MISSISSIPPI TEXTBOOK LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-43-21, Mississippi Code of 1972, is amended as follows:

37-43-21. (1) For the purpose of assisting the board during an adoption, there shall be rating committees in each of the fields in which textbooks are considered for adoption. Each committee shall be composed of seven (7) members. The State Superintendent of Public Education shall appoint four (4) members

of each of the committees, each of whom shall be a competent, experienced teacher who is currently teaching in the field in which the textbooks are considered for adoption. The Governor of the State of Mississippi thereupon shall appoint three (3) members of each of said committees, who shall be persons he deems competent to participate in the appraisal of books offered for adoption, in each field, for use in the public schools of this state.

(2) It shall be the duty of said rating committees to appraise the books offered for adoption in each field in which textbooks are offered for adoption and recommend eight (8) books and/or series for each adoption to be made by the board and giving the reasons for or basis of such recommendations. No book shall be recommended which does not receive a majority vote of the members of each committee. Any member dissenting from any majority vote of the committee shall make his appraisal of any book recommended or rejected by the majority of the committee and specify the reasons therefor and make such recommendations as he thinks proper. All appraisals, recommendations, and dissents if any, shall be in writing and filed with the board for its consideration upon the adoption. The travel expenses of such committees shall be reimbursed in the amount as provided in Section 25-3-41 and shall be paid out of the State Textbook Fund. Such rating committees shall be subject to the provisions of Section 37-43-17. The board shall have the power to reject any

and all recommendations of the rating committees and to call for further recommendations; in no case shall the board adopt any book not recommended by the rating committees.

(3) Any and all sample textbooks that may be furnished by the publisher thereof as provided by Section 37-43-59 to any member of the board, the State Superintendent of Public Education, and any member of a rating committee shall within one (1) year after receipt of same by said member be turned in to the * * * Regional School Book Depository without cost to the State of Mississippi, and the same shall thereafter be used without any cost to the State of Mississippi in supplying free textbooks to the educable children of the State of Mississippi as now provided by law or shall be sold to the highest bidder by the board with the proceeds immediately deposited in the State Treasury to the credit of the State Textbook Fund.

(4) No state official, state employee, school board member, school superintendent, principal, teacher or any other individual shall sell or donate sample textbooks furnished them by the * * * Regional School Book Depository as part of the textbook adoption or selection process. Said individuals and public officials shall not receive payment by the * * * regional depository, any publisher or any other company for sample textbooks.

(5) School districts may annually utilize any portion of the textbook allotment for the repair of textbooks; provided, however, that school districts are authorized and encouraged to utilize the

Mississippi Department of Corrections bookbinder for the repair of textbooks.

(6) Prices for new textbook purchases shall not be higher than the lowest price at which books are sold anywhere in the United States, after all discounts are allowed.

SECTION 2. Section 37-43-23, Mississippi Code of 1972, is amended as follows:

37-43-23. The State Board of Education is hereby authorized, empowered and directed to advertise for and receive sealed bids for textbooks. Bidders shall quote their lowest net wholesale prices, f.o.b. * * * destination being the board-authorized regional depository. The board may, in its discretion, establish a state depository or approve regional depositories located in reasonable proximity to the state, or inaugurate any other plan for the distribution of books. Such prices shall not be higher than the lowest price at which books are sold anywhere in the United States, after all discounts are allowed. It is the intent of the Legislature that the price paid for a textbook shall not exceed the lowest price at which the same book, both having the same copyright date, is sold anywhere in the United States after all discounts are allowed. Every contract entered into under the provisions of this section by the board and any publisher or publishing company shall contain a provision that the publisher covenants and agrees that he is not furnishing under contract executed after the first day of January of the year in which the

contract becomes effective, to any state, county or school district in the United States, the textbooks embraced in the contract at a price below the price stipulated therein. At any time that the board may find that any book or books, in either regular or special editions, are being furnished in any other state at a lower price under contract than it is being furnished in Mississippi, the contract shall be forfeited to the state. Any contractor who violates this provision shall return all money paid out for such book or books and also forfeit such book or books to the state, and suit may be brought on the bond of the contractor for all losses sustained.

Successful bidders or contractors * * * may maintain a depository at a place within the State of Mississippi or within a regional area located in reasonable proximity to the state, to be named by the board, where a stock of books sufficient to meet all reasonable and immediate demands shall be kept. Upon requisition of the board, * * * an approved depository shall ship books, transportation charges paid, to the various shipping points in Mississippi to be specified by the board. For such service the depository shall make no charge to the board except the actual cost of transportation from the depository to the shipping point designated. The cost of distribution shall not exceed eight percent (8%) of the total appropriation for any fiscal year.

All books furnished the State of Mississippi by contractors under this chapter shall continue to measure up to the same

standards as are required in the contract, said standards to include printing, binding, cover boards, mechanical makeup, and any other relevant points as set out in the plans and specifications as fixed by the board. Any contractor of any book or books, who fails to keep said books up to said standards, shall forfeit, not only his contract to the state, but shall return all money paid out for such book or books and also forfeit said books to the state.

SECTION 3. Section 37-43-31, Mississippi Code of 1972, is amended as follows:

37-43-31. (1) The State Board of Education shall adopt and furnish textbooks only for use in those courses set up in the state course of study as recommended by the State Accreditation Commission and adopted by such board, or courses established by acts of the Legislature. In all subjects the board, in its discretion, may adopt textbooks and/or series from those recommended by the textbook rating committees. The board may adopt a plan which permits the local school districts to choose the book or books to be requisitioned from those adopted, provided:

(a) That, when a book is furnished by the state, it shall remain in use during the period of its adoption;

(b) That the average per pupil cost of textbooks so furnished any unit shall not exceed that allowed for all other units in the state;

(c) That nothing herein provided shall be construed as giving any school the authority to discard or replace usable copies of textbooks now being furnished by the state;

(d) That the State Department of Education is authorized to disburse the annual textbook appropriation directly to the public school districts in accordance with * * * paragraph (b) of this subsection. The textbooks procured through this chapter, as well as textbooks which are on hand on June 30, 1994, which were previously purchased through the provisions of this statute, shall become the property of the public school district which purchased them, unless the State Department of Education authorizes the transfer of unneeded textbooks to another location in accordance with rules and regulations promulgated by the State Board of Education;

(e) That textbooks which are on loan to other than public schools as referenced in Section 37-43-1, shall remain the property of the State of Mississippi. All requisitions for textbooks from these schools shall be submitted to the State Department of Education to be processed and subsequently shipped to the requesting school. No funds shall be disbursed directly from the State Department of Education to the schools in this category for the purpose of procuring textbooks; and

(f) That funds made available through this chapter may be used to purchase any state-adopted * * * textbook from any * * * board-approved depository, directly from the publisher,

or in accordance with the provisions of Sections 37-43-21(5) and 37-43-31(3). For purchases made directly from the publisher, the public school district, or the State Department of Education when purchasing for other than public schools, shall not pay a higher price for a textbook than that listed on the current state-adopted list.

(2) Whenever any book under contract is displaced by a new adoption, the board may continue to require the schools to use the recently purchased books from any previous adoption; however, such period of use shall not exceed four (4) years.

(3) If five (5) or more school boards petition the State Board of Education to add a book, or a series of books, to the approved list of state adoptions in a given subject area, then the State Superintendent of Public Education shall have sixty (60) days to show cause to the State Board of Education why the books in question should or should not be purchased with state funds. If the petition is not acted upon within the sixty-day period, the petition shall be deemed to be approved. Once a textbook has been approved through the petition process, any public school district or eligible other school may procure the said textbook utilizing funds appropriated through this chapter.

(4) If new and innovative textbooks that would improve a particular course of study become available between adoption cycles, a school board may petition the State Board of Education

for permission to purchase these books out of sequence to be paid for with state textbook funds.

(5) The State Board of Education shall not allow previously rejected textbooks to be used if such textbooks were rejected for any of the following reasons:

(a) Obscene, lewd, sexist or vulgar material;

(b) Advocating prejudicial behavior or actions; or

(c) Encouraging acts determined to be * * * derogatory to any race, sex or religion.

(6) All books or series of books adopted under the petition procedures of this chapter shall be purchased under the provisions for bidding, pricing and distribution as prescribed in Section 37-43-23.

(7) Petition procedure books or series of books adopted under this section shall be considered only until the date of the next regular adoption series in the applicable subject area. Petition procedure books shall be submitted for formal adoption at the next applicable regular textbook adoption as prescribed under the provisions of Chapter 43, Title 37, Mississippi Code of 1972; otherwise, such books adopted under the petition procedures which do not receive formal adoption approval as recommended by the textbook rating committee shall be dropped from the state textbook petition adoption list. Provided, however, this provision shall in no way prohibit a school district from using other funds, federal or local, for the purchase of such books.

SECTION 4. Section 37-43-33, Mississippi Code of 1972, is amended as follows:

37-43-33. Any parent, person or school board in any community of the state may purchase books from * * * a board-approved regional depository who is given authority to sell books under the provisions of this chapter. The price of the books so ordered or brought shall be the same as the contract price, plus whatever postage or delivery charges might accrue.

SECTION 5. Section 37-43-59, Mississippi Code of 1972, is amended as follows:

37-43-59. (1) Not more than one (1) pupil copy, one (1) teacher's edition, and one (1) copy of any limited auxiliary materials shall be furnished as samples or specimen copies to any single person involved in the state rating, adoption process of free textbooks. Any and all sample or specimen textbooks or other materials furnished to any person serving in an official capacity or as an officer or employee in a school receiving free textbooks shall be furnished only by the State Board of Education after receipt from the publishers. No samples shall be furnished by publishers directly to any such person. The board shall keep detailed records of all samples furnished to all persons and establish such procedures for return of all samples. The intent of this provision is that no person serving in an official capacity shall receive personal benefit or profit from sale of sample or specimen textbooks.

(2) Not more than one (1) pupil copy, one (1) teacher's edition, and one (1) copy of any limited auxiliary materials shall be furnished for review and inspection to any single person involved in the selection committee process of free textbooks. Any and all textbooks or other materials furnished to any such person serving in a selection committee capacity for inspection and review shall be furnished subject to the rules and regulations adopted by the board which such rules and regulations shall not prohibit direct delivery by the publishers to such persons. The board shall keep detailed records of all textbooks and auxiliary materials furnished to all such persons and establish such procedures for the return thereof. Any and all textbooks furnished to persons serving on selection committees shall be turned in to the * * * Regional School Book Depository without any cost to the State of Mississippi and shall be credited to the account of the publisher. Any and all textbooks so furnished to persons serving on selection committees which have not been returned within one (1) year of the receipt of same the value thereof shall be charged against the allocation of state funds to said school district to the same extent as if said books had been purchased by said school district. The intent of this provision is that no person serving as a selection committee member shall receive personal benefit or proceeds from the sale of said textbooks.

(3) The * * * Regional School Book Depository shall pay into the State Treasury to the credit of the State Textbook Fund the net wholesale price less an eight percent (8%) distribution cost and freight charges of those adopted textbooks which are returned by the rating committees as required herein. The board shall also provide for the sale of damaged books and those textbooks not adopted into the secondary textbook market on an annual basis. The * * * Regional School Book Depository shall pay into the State Treasury to the credit of the State Textbook Fund the amount received for which said textbooks are sold less an eight percent (8%) distribution cost and freight charges of said textbooks which are damaged or not adopted.

(4) Any person converting to personal use or selling any sample or specimen textbook or other materials contrary to provisions of this section shall be guilty of the crime of embezzlement as provided by Section 97-11-25 and in addition shall upon conviction pay a fine of Fifty Dollars ($50.00) per book sold or converted to personal use and shall be removed from any public office or public employment position held.

SECTION 6. Section 37-43-1, Mississippi Code of 1972, is brought forward as follows:

37-43-1. (1) This chapter is intended to furnish a plan for the adoption, purchase, distribution, care and use of free textbooks to be loaned to the pupils in all elementary and high schools, other than charter schools, of Mississippi.

(2) The books herein provided by the State Board of Education, which shall be the State Textbook Procurement Commission, shall be distributed and loaned free of cost to the children of the free public school districts of the state and of all other schools located in the state, which maintain educational standards equivalent to the standards established by the State Department of Education for the state schools as outlined in the Approval Requirements of the State Board of Education for Nonpublic Schools.

(3) Teachers shall permit all pupils in all grades of any public school in any school district to carry to their homes for home study, the free textbooks loaned to them, and any other regular textbooks whether they be free textbooks or not.

(4) For the purposes of this chapter, the term "board" shall mean the State Board of Education.

(5) "Textbook" shall be defined as any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject.

(6) In addition to the authority granted in this chapter, local school boards shall make available to the parents or legal guardians of any children of school age who reside in the school district administered by the school board, upon request, any textbooks on the state surplus inventory list. The parent or legal guardian is responsible for the return of the textbook(s) to

the local school district upon completion of the textbook(s) use. Failure to return the textbook(s) to the school district will result in the parents or legal guardians being responsible for compensating the school district for the fair market value of the textbook(s).

SECTION 7. Section 37-43-2, Mississippi Code of 1972, is brought forward as follows:

37-43-2. (1) On July 1, 1987, the State Board of Education shall assume all power, authority, duties and functions of the State Textbook Procurement Commission. All records, personnel, property and unexpended balances of appropriations, allocations or other funds of the State Textbook Procurement Commission shall be transferred to the State Board of Education on July 1, 1987. All such employee transfers shall be in accordance with the rules and regulations of the State Personnel Board. It is the intent of the Legislature that the number of persons employed by the state as a result of the consolidation required by this section shall be reduced where possible, but that such reduction shall result from attrition of employees and not dismissal.

(2) Each officer or agency subject to the provisions of this section is hereby authorized and empowered to promulgate such rules and regulations not conflicting with this section necessary to accomplish an orderly transition. Each officer or agency subject to this section shall assist, with the fullest degree of

reasonable cooperation, any other officer or agency in carrying out the intent and purpose of this section.

(3) All members serving on the Mississippi State Textbook Procurement Commission as it existed under the provisions of Section 37-43-3 prior to June 30, 1987, shall continue to serve in an advisory capacity to the State Board of Education until December 31, 1987. This advisory board shall be known as the "Mississippi State Textbook Advisory Board," and shall assist the State Board of Education in assuming its duties under the provisions of this section and shall provide technical assistance as may be requested. The State Department of Education, from any funds appropriated thereto, shall, upon the request of the State Board of Education, timely pay all sums reasonably required for the operation of the Mississippi State Textbook Advisory Board, including per diem and actual expenses of such board, through December 31, 1987.

SECTION 8. Section 37-43-17, Mississippi Code of 1972, is brought forward as follows:

37-43-17. If any person related within the third degree by blood or marriage, as computed by civil law, to any member of the board, or if any person that is associated in any business or partnership with any member of said board, shall be employed in good faith by any school book company, firm, corporation or agent in connection with the adoption of textbooks within this state, the said member of the board so related by blood or marriage, or

so associated in business or partnership with such person, shall not vote in the rating and adoption of any school book or books offered by such school book company, firm, corporation or agent for adoption.

SECTION 9. Section 37-43-19, Mississippi Code of 1972, is brought forward as follows:

37-43-19. The board shall have the power and is hereby authorized:

(a) To promulgate rules and regulations for the purchase, care, use, disposal, distribution and accounting for all books to be furnished under the terms of this chapter, and to promulgate such other rules and regulations as may be necessary for the proper administration of this chapter.

(b) To adopt, contract for, and make available for purchase, cash or credit, basal, supplementary or alternative textbooks through twelve (12) grades as provided in the school curriculum, or for any other course that it may add thereto.

(c) To determine the period of contract for rated and adopted textbooks which shall not be for less than four (4) years nor more than five (5) years, with the right of the board, in its discretion, to renew or extend such contract from year to year for a period not exceeding two (2) additional years and to determine the conditions of the approval or forfeiture of a contract and such other terms and conditions as may be necessary and not contrary to law.

(d) To have complete power and authority over additions and amendments to textbooks, advertising for bids and the contents thereof, including auxiliary materials and workbooks, advertising on the protective covers of textbooks, bids and proposals, prices of textbooks, specimen copies, cash deposits, selection and adoption, distribution, fumigation, emergencies, selling to others, return of deposits, forfeiture of deposits, regulations governing deposits, renovation and repair of books, requisition, transportation or shipment of books, and any other acts or regulations, not contrary to law, that may be deemed necessary for furnishing and loaning free textbooks to the school children, as provided in this chapter.

SECTION 10. Section 37-43-24, Mississippi Code of 1972, is brought forward as follows:

37-43-24. (1) This section shall be referred to and may be cited as the "Timely Acquisition of Braille and Large Print Textbooks Act of 2002."

(2) The State Department of Education is hereby authorized and directed to place textbook procurement orders for visually impaired and hearing impaired students in the schools of this state prior to the beginning of the fiscal year for which the expenditure for such order has been authorized by the Legislature. After June 1 of any year, the State Department of Education may order additional books, as needed. In addition, the State Department of Education is authorized and directed to place

textbook, equipment and school supply procurement orders for students attending the state supported schools administered by the State Board of Education prior to the beginning of the fiscal year for which the expenditure for such order has been authorized by the Legislature, and may order additional books, equipment and supplies at a later date, as needed. The department shall insure that the appropriate procedures for textbook procurement are followed according to state law and board policy as described in the Textbook Administration Handbook.

SECTION 11. Section 37-43-25, Mississippi Code of 1972, is brought forward as follows:

37-43-25. Specimen copies of all textbooks, which have been made the basis of contracts under the provisions of this chapter, clearly marked and identified as such, shall be deposited by the publisher of said books with the State Superintendent of Public Education. Said specimen copies shall be preserved and kept open for inspection by the public.

A copy of all contracts and bonds executed under the provisions of this chapter shall be provided to the following, one (1) copy for the contractor, one (1) copy to be filed in the Office of the Secretary of State, and one (1) copy to be filed in the office of the State Superintendent of Public Education.

An original of each bid, whether accepted or rejected, shall be filed and preserved in the office of the State Superintendent of Public Education for at least five (5) years.

SECTION 12. Section 37-43-27, Mississippi Code of 1972, is brought forward as follows:

37-43-27. No book or books shall be purchased from any person, firm or corporation who is a member of, or connected with, any trust. In the event that it is established that this provision has been violated, the contract shall be forfeited and monies paid out under this contract shall be returned to the state, and all books heretofore purchased under said contract shall be kept by the state or the public school district which purchased the textbooks.

SECTION 13. Section 37-43-29, Mississippi Code of 1972, is brought forward as follows:

37-43-29. Any person, firm or corporation with whom a contract has been entered into, under the provisions of this chapter, shall designate the Secretary of State of Mississippi as its agent, upon whom citation and all other writs and processes may be served, in case any suit shall be brought against such person, firm or corporation.

SECTION 14. Section 37-43-39, Mississippi Code of 1972, is brought forward as follows:

37-43-39. No teacher in any of the schools of the state, and no county or municipal superintendent of schools, and no person officially connected with the government of or direction of any school shall, during the term of his office as said superintendent or during the time of his or her employment as teacher, act as

agent or attorney for any textbook publishing company selling textbooks in this state. If, after election as county or municipal superintendent or employment as teacher, any person filling such position accepts the agency or attorneyship of any textbook publishing company, the acceptance of such agency or attorneyship shall work a forfeiture of the office or position as teacher held at the time of the acceptance of such agency or attorneyship.

SECTION 15. Section 37-43-41, Mississippi Code of 1972, is brought forward as follows:

37-43-41. The State Textbook Fund of Mississippi shall consist of the amounts appropriated by the Legislature for the same, all monies accruing from the sale of disused books from other than public schools, all monies derived from the purchase of books by both public and private schools trustees, and by private individuals, all monies collected in damage suits under the terms of this chapter, and all other monies collected in any way whatsoever under the terms of this chapter.

There is hereby created a special fund in the State Treasury to be designated as the "Local School District Textbook Carryover Fund." Said fund shall be credited with any funds which were appropriated by the Legislature to the State Textbook Fund for any fiscal year in which said funds were allocated to local school districts but unexpended by said districts. Said unexpended funds shall be deposited by the board into the Local School District

Textbook Carryover Fund to the credit of the local school districts which were originally allocated such funds. All carryover funds which exist on June 30, 1994, which belong to public school districts shall be disbursed to the respective school districts. Carryover funds for other than public schools shall be handled in the same manner as previously described in this section.

SECTION 16. Section 37-43-43, Mississippi Code of 1972, is brought forward as follows:

37-43-43. The State Superintendent of Public Education shall deposit all funds sent to him from nonpublic schools for lost books or damaged books as well as all other funds accruing under this chapter in the State Treasury to the credit of the State Textbook Fund.

SECTION 17. Section 37-43-45, Mississippi Code of 1972, is brought forward as follows:

37-43-45. Any loss occasioned by the neglect, carelessness or failure of duty by the county superintendent or any principal or teacher in charge of any school, shall entitle the state to bring suit for the recovery of the amount of the loss or losses occasioned thereby.

Any writ or suit of any nature instituted under the provisions of this chapter shall be brought in the name of the State of Mississippi by the Attorney General. Any money or moneys

recovered by such suit shall be placed to the credit of the State Textbook Fund.

SECTION 18. Section 37-43-47, Mississippi Code of 1972, is brought forward as follows:

37-43-47. Bills for textbooks purchased by the state on requisitions as provided in this chapter, and bills for all other expenses incurred under the terms of this chapter, shall be paid by warrants on the State Treasury made by the Auditor on receipt of bills from the State Superintendent of Public Education, and approved by the State Board of Education. Bills for textbooks purchased by public school districts, shall be submitted to the respective school district submitting the requisition. Each public school district will make payment to the appropriate entity which is responsible for providing the requested textbooks.

SECTION 19. Section 37-43-51, Mississippi Code of 1972, is brought forward as follows:

37-43-51. The management of all public, private, parochial or denominational schools wherein the board is furnishing to the students thereof free school textbooks and said free school textbooks are used by the students in said school, shall file annually with the State Board of Education any and all reports as may be required by the board.

Any person who shall refuse, neglect or fail to file any report required by the board shall be denied a new allocation of

funds until such reports have been completed and filed with the board.

SECTION 20. Section 37-43-57, Mississippi Code of 1972, is brought forward as follows:

37-43-57. Except as may otherwise be provided in this chapter, any person willfully violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment not to exceed twelve (12) months in the county jail, or by both, in the discretion of the court.

SECTION 21. Section 37-43-37, Mississippi Code of 1972, which requires all books to have a uniform label printed on the inside cover and for all teachers to maintain an accurate record of the number and names of all books issued to pupils, is hereby repealed.

SECTION 22. Section 37-43-49, Mississippi Code of 1972, which requires county boards of supervisors to provide adequate storage space in the county courthouse or other county building for the storage of school textbooks, is hereby repealed.

SECTION 23. Section 37-43-53, Mississippi Code of 1972, which authorizes the State Board of Education to offer the space on the protective of textbooks for advertising purposes, is hereby repealed.

SECTION 24. Section 37-43-55, Mississippi Code of 1972, which authorizes the State Board of Education to purchase and determine the number of copies of the Mississippi Blue Book to be furnished to each school for supplemental use therein, is hereby repealed.

SECTION 25. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2481

Description: Memorial highways; designate segment of MS-488 in Leake County as Hunky Cross Highway in memory of Austin Morrow & others.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(S)	Referred To Highways and Transportation
2	01/26	(S)	Title Suff Do Pass
3	02/10	(S)	Amended
4	02/10	(S)	Passed As Amended {Vote}
5	02/15	(S)	Transmitted To House
6	02/16	(H)	Referred To Transportation; Appropriations
7	02/17	(H)	DR - TSDP: TR To AP
8	03/01	(H)	DR - TSDP: AP To TR
9	03/01	(H)	Title Suff Do Pass
10	03/08	(H)	Read the Third Time
11	03/09	(H)	Passed {Vote}
12	03/10	(H)	Returned For Enrolling
13	03/11	(S)	Enrolled Bill Signed
14	03/11	(H)	Enrolled Bill Signed
15	03/11		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation, Appropriations

Principal Author: Branning

Title: AN ACT TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 488 LOCATED IN LEAKE COUNTY, MISSISSIPPI, AS THE "HUNKY CROSS HIGHWAY IN MEMORY OF AUSTIN MORROW AND OTHERS THAT HAVE LOST THEIR LIVES"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 84

LOCATED IN FRANKLIN COUNTY, MISSISSIPPI, AS THE "MARK 'PEANUT' YOUNGBLOOD MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 334 IN OXFORD, MISSISSIPPI, AS THE "LEONARD E. THOMPSON MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 30 IN OXFORD, MISSISSIPPI, AS THE "NATHAN HODGES, JR., MEMORIAL HIGHWAY"; TO AMEND SECTION 9, CHAPTER 450, LAWS OF 2020, AS AMENDED BY SECTION 1, CHAPTER 365, LAWS OF 2021, TO REVISE THE DESCRIPTION OF THE SEGMENT OF MISSISSIPPI HIGHWAY 42 IN GREENE COUNTY, MISSISSIPPI, DESIGNATED AS THE "DEPUTY U.S. MARSHAL JAKE GREEN AND GREENE COUNTY DEPUTY LAWRENCE DUNNAM MEMORIAL HIGHWAY, EOW APRIL 1, 1921"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Branning To: Highways and Transportation

SENATE BILL NO. 2481
(As Passed the Senate)

AN ACT TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 488 LOCATED IN LEAKE COUNTY, MISSISSIPPI, AS THE "HUNKY CROSS HIGHWAY IN MEMORY OF AUSTIN MORROW AND OTHERS THAT HAVE LOST THEIR LIVES"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 84 LOCATED IN FRANKLIN COUNTY, MISSISSIPPI, AS THE "MARK 'PEANUT' YOUNGBLOOD MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 334 IN OXFORD, MISSISSIPPI, AS THE "LEONARD E. THOMPSON MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 30 IN OXFORD, MISSISSIPPI, AS THE "NATHAN HODGES, JR., MEMORIAL HIGHWAY"; TO AMEND SECTION 9, CHAPTER 450, LAWS OF 2020, AS AMENDED BY SECTION 1, CHAPTER 365, LAWS OF 2021, TO REVISE THE DESCRIPTION OF THE SEGMENT OF MISSISSIPPI HIGHWAY 42 IN GREENE COUNTY, MISSISSIPPI, DESIGNATED AS THE "DEPUTY U.S. MARSHAL JAKE GREEN AND GREENE COUNTY DEPUTY LAWRENCE DUNNAM MEMORIAL HIGHWAY, EOW APRIL 1, 1921"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 488 located in Leake County, Mississippi, beginning at its intersection with Highway 35 and extending east to Whit Alford Road is designated and shall be known as the "Hunky Cross Highway in Memory of Austin Morrow and Others that Have Lost Their Lives."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. (1) The segment of U.S. Highway 84 located in Franklin County, Mississippi, beginning one-half (1/2) mile east of its intersection with Log Cabin Road and extending east to its intersection with Higginbotham Road is designated and shall be known as the "Mark 'Peanut' Youngblood Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 3. (1) The segment of Mississippi Highway 334 located in the corporate limits of Oxford, Mississippi, beginning at the bridge passing over U.S. Highway 278/Mississippi Highway 6 and extending north to University Avenue is designated and shall be known as the "Leonard E. Thompson Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 4. (1) The segment of Mississippi Highway 30 located in the corporate limits of Oxford, Mississippi, beginning at the bridge passing over Mississippi Highway 7 and extending east to County Road 207 is designated and shall be known as the "Nathan Hodges, Jr., Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 5. Section 9, Chapter 450, Laws of 2020, as amended by Section 1, Chapter 365, Laws of 2021, is amended as follows:

Section 9. (1) The segment of Mississippi Highway 42 in Greene County, Mississippi, beginning at its southern intersection with Mississippi Highway 63 and extending * * * to the Greene County and Perry County line, is designated as the "Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam Memorial Highway, EOW April 1, 1921."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 6. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2520

Description: Memorial highways; designate segment of Mississippi Highway 45 for Senator John White.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Highways and Transportation
2	01/26	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/08	(H) Referred To Transportation; Appropriations
6	02/17	(H) DR - TSDP: TR To AP
7	03/01	(H) DR - TSDP: AP To TR
8	03/01	(H) Title Suff Do Pass
9	03/08	(H) Read the Third Time
10	03/09	(H) Passed {Vote}
11	03/10	(H) Returned For Enrolling
12	03/11	(S) Enrolled Bill Signed
13	03/11	(H) Enrolled Bill Signed
14	03/11	Approved by Governor

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation, Appropriations

Principal Author: Sparks
Additional Authors: Parker

Title: AN ACT TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 45 LOCATED IN PRENTISS COUNTY, MISSISSIPPI, AS THE "SENATOR JOHN WHITE MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2520

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Sparks, Parker

To: Highways and Transportation

SENATE BILL NO. 2520

AN ACT TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 45 LOCATED IN PRENTISS COUNTY, MISSISSIPPI, AS THE "SENATOR JOHN WHITE MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 45 located in Prentiss County, Mississippi, beginning at the boundary between Lee County and Prentiss County and extending north for two (2) miles is designated and shall be known as the "Senator John White Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2719

Description: Annual salaries of county boards of supervisors; revise.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(S)	Referred To Economic and Workforce Development
2	01/26	(S)	Title Suff Do Pass Comm Sub
3	02/03	(S)	Committee Substitute Adopted
4	02/03	(S)	Passed {Vote}
5	02/07	(S)	Transmitted To House
6	02/08	(H)	Referred To County Affairs
7	02/08	(H)	Title Suff Do Pass
8	02/10	(H)	Passed {Vote}
9	02/11	(H)	Returned For Enrolling
10	02/11	(S)	Enrolled Bill Signed
11	02/11	(H)	Enrolled Bill Signed
12	02/17		Approved by Governor

Code Section: A 025-0003-0013

----- Additional Information -----

Senate Committee: Economic and Workforce Development
House Committee: County Affairs

Principal Author: Parker

Title: AN ACT TO AMEND SECTION 25-3-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL SALARIES OF MEMBERS OF BOARDS OF SUPERVISORS; TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2024, AND FROM AND AFTER JANUARY 1, 2028, MEMBERS OF BOARDS OF SUPERVISORS MAY RECEIVE CERTAIN ADDITIONAL INCREASES IF THE MEMBERS OF THE BOARD OF SUPERVISORS APPROVE SUCH INCREASES; TO PROHIBIT STATE REVENUE FROM BEING USED TO FUND SALARY INCREASES FOR MEMBERS OF BOARDS OF SUPERVISORS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2719

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Parker To: Economic and Workforce Development

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2719

AN ACT TO AMEND SECTION 25-3-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL SALARIES OF MEMBERS OF BOARDS OF SUPERVISORS; TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2024, AND FROM AND AFTER JANUARY 1, 2028, MEMBERS OF BOARDS OF SUPERVISORS MAY RECEIVE CERTAIN ADDITIONAL INCREASES IF THE MEMBERS OF THE BOARD OF SUPERVISORS APPROVE SUCH INCREASES; TO PROHIBIT STATE REVENUE FROM BEING USED TO FUND SALARY INCREASES FOR MEMBERS OF BOARDS OF SUPERVISORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-3-13, Mississippi Code of 1972, is amended as follows:

25-3-13. (1) The salaries of the members of the boards of supervisors of the various counties are fixed as full compensation for their services.

The annual salary of each member of the board of supervisors shall be based upon the total assessed valuation of his respective county for the preceding taxable year in the following categories and * * * shall be approved by the board of supervisors up to the following amounts, except as otherwise provided under subsection (2) of this section:

(a) For counties having a total assessed valuation of less than Thirty Million Dollars ($30,000,000.00), a salary * * * not to exceed Thirty-three Thousand Five Hundred Dollars ($33,500.00);

(b) For counties having a total assessed valuation of at least Thirty Million Dollars ($30,000,000.00), but less than Fifty Million Dollars ($50,000,000.00), a salary * * * not to exceed Thirty-seven Thousand Five Hundred Dollars ($37,500.00);

(c) For counties having a total assessed valuation of at least Fifty Million Dollars ($50,000,000.00), but less than Seventy-five Million Dollars ($75,000,000.00), a salary * * * not to exceed Forty Thousand Five Hundred Dollars ($40,500.00);

(d) For counties having a total assessed valuation of at least Seventy-five Million Dollars ($75,000,000.00), but less than One Hundred Twenty-five Million Dollars ($125,000,000.00), a salary * * * not to exceed Forty-one Thousand Five Hundred Dollars ($41,500.00);

(e) For counties having a total assessed valuation of at least One Hundred Twenty-five Million Dollars ($125,000,000.00), but less than Three Hundred Million Dollars ($300,000,000.00), a salary * * * not to exceed Forty-five Thousand Dollars ($45,000.00);

(f) For counties having a total assessed valuation of at least Three Hundred Million Dollars ($300,000,000.00), but less

than One Billion Dollars ($1,000,000,000.00), a salary * * * not to exceed Fifty Thousand Dollars ($50,000.00);

(g) For counties having a total assessed valuation of One Billion Dollars ($1,000,000,000.00), but less than Two Billion Dollars ($2,000,000,000.00), a salary * * * not to exceed Fifty-two Thousand Dollars ($52,000.00);

(h) For counties having a total assessed valuation of Two Billion Dollars ($2,000,000,000.00) or more, a salary * * * not to exceed Fifty-four Thousand Dollars ($54,000.00).

(2) From and after January 1, 2024, the salary of the members of the boards of supervisors may be increased by an amount not to exceed Two Thousand Dollars ($2,000.00) over the amounts set under subsection (1) of this section, and from and after January 1, 2028, the salary of the members of the boards of supervisors may be increased by an amount not to exceed Four Thousand Dollars ($4,000.00) over the amounts set under subsection (1) of this section. If the board of supervisors approves a salary increase under this subsection effective during any fiscal year, then the members of that board of supervisors are not eligible for any additional salary increases for that fiscal year. The salary of the members of the board of supervisors shall not be increased under this subsection in the last year of the supervisors' term.

(* * *3) The annual salary established for the members of the board of supervisors shall not be reduced as a result of a reduction in total assessed valuation.

(* * *4) The salary of the members of the board of supervisors shall not be increased under this section until the board of supervisors shall have passed a resolution stating the amount of the increase and spread it on its minutes.

(5) No state revenue shall be used to pay any salary increase authorized under this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2806

Description: Public purchases; prohibit reverse auctions for repair and remodeling of public facilities.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(S)	Referred To Accountability, Efficiency, Transparency
2	02/01	(S)	Title Suff Do Pass Comm Sub
3	02/09	(S)	Committee Substitute Adopted
4	02/09	(S)	Passed {Vote}
5	02/10	(S)	Transmitted To House
6	02/11	(H)	Referred To Workforce Development
7	02/24	(H)	Title Suff Do Pass
8	02/24	(H)	Passed {Vote}
9	02/24	(H)	Motion to Reconsider Entered (Hopkins, Bell (21st), Walker)
10	02/28	(H)	Motion to Reconsider Tabled
11	02/28	(H)	Returned For Enrolling
12	03/01	(S)	Enrolled Bill Signed
13	03/01	(H)	Enrolled Bill Signed
14	03/08		Approved by Governor

Code Section: A 031-0007-0013

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Workforce Development

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO CLARIFY UNDER THE PUBLIC PURCHASING LAW THAT REVERSE AUCTION SHALL NOT BE USED FOR THE IMPROVEMENT, REPAIR OR REMODELING OF ANY PUBLIC FACILITIES, INCLUDING THE PURCHASE OF MATERIALS,

SUPPLIES, EQUIPMENT OR GOODS FOR SAME; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2806

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins

To: Accountability, Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2806

AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO CLARIFY UNDER THE PUBLIC PURCHASING LAW THAT REVERSE AUCTION SHALL NOT BE USED FOR THE IMPROVEMENT, REPAIR OR REMODELING OF ANY PUBLIC FACILITIES, INCLUDING THE PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT OR GOODS FOR SAME; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over $5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars ($5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing

authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars ($5,000.00) or less.

(b) **Bidding procedure for purchases over $5,000.00 but not over $50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars ($5,000.00) but not more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars ($50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or his designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent

or purchase clerk, or his designee, constituting a violation of law in accepting any bid without approval by the governing authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars ($5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.

(c) **Bidding procedure for purchases over $50,000.00.**

(i) **Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best

bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. Reverse auctions shall be the primary method for receiving bids during the bidding process. If a purchasing entity determines that a reverse auction is not in the best interest of the state, then that determination must be approved by the Public Procurement Review Board. The purchasing entity shall submit a detailed explanation of why a reverse auction would not be in the best interest of the state and present an alternative process to be approved by the Public Procurement Review Board. If the Public Procurement Review Board authorizes the purchasing entity to solicit bids with a method other than reverse auction, then the purchasing entity may designate the other methods by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall

not be used for any public contract for design * * *, construction, improvement, repair or remodeling of any public facilities, including the purchase of materials, supplies, equipment or goods for same and including buildings, roads and bridges, and term contracts as provided in paragraph (n) of this section. The Public Procurement Review Board must approve any contract entered into by alternative process. The provisions of this item 2 shall not apply to the individual state institutions of higher learning.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars ($50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars ($25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at

which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique Internet web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been

posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique Internet web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for linking to the designated web page in accordance with the rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that the agency or governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the board of a governing authority may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) **Electronic bids.** Agencies and governing authorities shall provide a secure electronic interactive system for the submittal of bids requiring competitive bidding that shall be an additional bidding option for those bidders who choose to submit their bids electronically. The Department of Finance and Administration shall provide, by regulation, the standards that agencies must follow when receiving electronic bids. Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding under this section. Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids required by this section. Agencies or governing authorities that are currently without available high speed Internet access shall be exempt from the requirement of this subparagraph (v) until such time that high speed Internet access becomes available. Any county having a population of less than twenty thousand (20,000) shall be exempt from the provisions of this subparagraph (v). Any municipality having a population of less than ten thousand (10,000) shall be exempt from the provisions of this subparagraph (v). The provisions of this subparagraph (v) shall not require any bidder to submit bids electronically. When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not

exceed Fifty Thousand Dollars ($50,000.00), on the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance with by including same as an attachment with the electronic bid submittal.

(d) **Lowest and best bid decision procedure.**

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the

best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions, including, but not limited to, a bidder having a local office and inventory located within the jurisdiction of the governing authority, may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections 39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria

shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable

direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase

agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8). Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars ($10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such

alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative.** In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.

(i) **Road construction petroleum products price adjustment clause authorization.** Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets, may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products including asphalt used in the performance or

execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

(j) **State agency emergency purchase procedure.** If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified

copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable. Upon receipt of the statement and applicable board certification, the State Fiscal Officer, or his designees, may, in writing, authorize the purchase or repair without having to comply with competitive bidding requirements.

If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.

Total purchases made under this paragraph (j) shall only be for the purpose of meeting needs created by the emergency situation. Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration. Any

contract awarded pursuant to this paragraph (j) shall not exceed a term of one (1) year.

Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (j).

(k) **Governing authority emergency purchase procedure.** If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority. Purchases under the grant program

established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (k).

(l) **Hospital purchase, lease-purchase and lease authorization.**

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (l), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability of funds. If such cancellation clause is exercised, there shall be no further liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this

subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public auction except as provided for in subparagraph (v) of this paragraph (m). It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities

from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single-source items.** Noncompetitive items available from one (1) source only. In connection with the purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may, in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to

obtain the approval of the Department of Finance and Administration. Following the purchase, the executive head of the state agency, or his designees, shall file with the Department of Finance and Administration, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the source from whom it was purchased.

(ix) **Waste disposal facility construction contracts.** Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received, the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the

terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) **Hospital group purchase contracts.** Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) **Information technology products.** Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals; processed film, videocassette tapes, filmstrips and slides; recorded audiotapes, cassettes and diskettes; and any such items

as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders, audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products by the Department of Corrections, regional correctional facilities or privately owned prisons.** Purchases made by the Mississippi Department of Corrections, regional correctional facilities or privately owned prisons involving any item that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (l)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxi) **Design-build method of contracting and certain other contracts.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxii) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxiii) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxiv) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxv) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(xxxvi) **Certain purchases by an academic medical center or health sciences school.** Purchases by an academic medical center or health sciences school, as defined in Section 37-115-50, of commodities that are used for clinical purposes and 1. intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and 2. medical devices, biological, drugs and radiation-emitting devices as defined by the United States Food and Drug Administration.

(xxxvii) **Certain purchases made under the Alyce G. Clarke Mississippi Lottery Law.** Contracts made by the Mississippi Lottery Corporation pursuant to the Alyce G. Clarke Mississippi Lottery Law.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any

person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and products for the systems. In the event that the governing authority or agency

cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars ($50,000.00), a governing authority or agency shall issue publicly a request for proposals concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph (c) of this section. Any

request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform public construction or other public contracts to which this section applies, including, but not limited to, contracts for repair and maintenance, for which the contract will require

insurance coverage in an amount of not less than One Million Dollars ($1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2832

Description: Bonds; revise uses of IHL bond proceeds for Mississippi State University College of Architecture, Art and Design.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/17	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass
3	02/02	(S) Passed {Vote}
4	02/03	(S) Transmitted To House
5	02/03	(H) Referred To Ways and Means
6	03/01	(H) Title Suff Do Pass
7	03/08	(H) Passed {Vote}
8	03/09	(H) Returned For Enrolling
9	03/10	(S) Enrolled Bill Signed
10	03/10	(H) Enrolled Bill Signed
11	03/11	Approved by Governor

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 1, CHAPTER 480, LAWS OF 2021, TO REVISE THE PURPOSES FOR WHICH THE PROCEEDS OF BONDS AUTHORIZED TO BE ISSUED FOR THE STATE INSTITUTIONS OF HIGHER LEARNING FOR MISSISSIPPI STATE UNIVERSITY MAY BE USED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2832

AN ACT TO AMEND SECTION 1, CHAPTER 480, LAWS OF 2021, TO REVISE THE PURPOSES FOR WHICH THE PROCEEDS OF BONDS AUTHORIZED TO BE ISSUED FOR THE STATE INSTITUTIONS OF HIGHER LEARNING FOR MISSISSIPPI STATE UNIVERSITY MAY BE USED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 1, Chapter 480, Laws of 2021, is amended as follows:

Section 1. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated as the "2021 IHL Capital Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, with the approval of the Board of Trustees of State Institutions of Higher Learning on those projects related to the universities under its management and control to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as hereinafter described:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University		$ 5,675,000.00
	Phase I of repair and renovation of and upgrades and improvements to campus dormitories	$ 5,675,000.00
Delta State University		$ 10,800,000.00

Renovation and expansion of and upgrades, improvements and additions to the Robert E. Smith School of Nursing Building and related facilities.....$ 7,800,000.00

Repair, renovation and upgrading of campus buildings and facilities.....$ 3,000,000.00

Jackson State University.....$ 6,500,000.00

Phase III of repair, renovation and upgrading of campus buildings, facilities, and infrastructure.....$ 6,000,000.00

Preplanning for construction, furnishing and equipping of a new dining facility and related facilities.....$ 500,000.00

Mississippi State University.....$ 15,000,000.00

* * * Repair, renovation, construction, acquisition

of property, furnishing
and equipping of * * *
related facilities to
house the College of
Architecture, Art
and Design.....$ 15,000,000.00
Mississippi State University/Division of
Agriculture, Forestry and Veterinary Medicine....$ 8,000,000.00
Repair and renovation of
and upgrades and
improvements to Dorman Hall
and related facilities.....$ 8,000,000.00
Mississippi University for Women.....$ 2,750,000.00
Repair, renovation,
and upgrading of
campus buildings
and facilities.....$ 2,750,000.00
Mississippi Valley State University.....$ 500,000.00
Preplanning for repair,
renovation, furnishing
and equipping of the
Charles Lackey
Recreation Center.....$ 500,000.00
University of Mississippi.....$ 12,000,000.00
Construction, furnishing

and equipping of a new mechanical and power plant building and related facilities.....$ 12,000,000.00

University of Mississippi Medical Center.....$ 8,000,000.00

Repair, renovation, and upgrading of campus buildings and facilities.....$ 8,000,000.00

University of Southern Mississippi.....$ 10,750,000.00

Repair and renovation of Hickman Hall and related facilities.....$ 10,000,000.00

Preplanning and construction, furnishing and equipping of a new science research facility...$ 750,000.00

University of Southern Mississippi/Gulf Coast Campuses.....$ 5,800,000.00

Construction, furnishing and equipping of Executive Education and Conference Center and related facilities on the Gulf Park

Campus.....$ 4,800,000.00
Repair, renovation
life safety, and
ADA code upgrades,
furnishing and equipping
of campus buildings
and facilities
at the Gulf Coast
Research Laboratory,
Halstead Campus.....$ 1,000,000.00
IHL Education and Research Center.....$ 600,000.00
Planning, repair, renovation,
life safety and ADA code
upgrades of buildings,
facilities and infrastructure,
including the Paul B. Johnson
Tower, Edsel E. Thrash
Universities Center and
the Mississippi Public
Broadcasting Building.....$ 600,000.00
TOTAL.....$ 86,375,000.00

(b) (i) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in paragraph (a) of this subsection. If any monies in such special fund are not used within four (4) years after the date the proceeds of the

bonds authorized under this section are deposited into the special fund, then the institution of higher learning for which any unused monies are allocated under paragraph (a) of this subsection shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(ii) Monies in the special fund may be used to reimburse reasonable actual and necessary costs incurred by the Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, in administering or providing assistance directly related to a project described in paragraph (a) of this subsection. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management. Reimbursement of reasonable actual and necessary costs for a project shall not exceed two percent (2%) of the proceeds of bonds issued for such project. Monies authorized

for a particular project may not be used to reimburse administrative costs for unrelated projects.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) Any amounts allocated to an institution of higher learning that are in excess of that needed to complete the projects at such institution of higher learning that are described in paragraph (a) of this subsection may be used for general repairs and renovations at the institution of higher learning.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration declaring the necessity for the issuance of any part or all of the general

obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Eighty-six Million Three Hundred Seventy-five Thousand Dollars ($86,375,000.00). No bonds shall be issued under this section after July 1, 2025.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature

absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general

circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special funds created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Title 31, Chapter 13, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

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